



RETURNS

OF ALL

OR EXTRACTS OF CORRESPONDENCE

BETWEEN

The Directors of the East India Company and the Company's Government
in India, since 1838,

ON THE SUBJECT OF

SLAVERY IN THE TERRITORIES UNDER
THE COMPANY'S RULE;

ALSO RESPECTING ANY SLAVE TRADE THEREIN

ALSO OF ALL

*Orders and Regulations issued, or any Proceedings taken by Order of
the Authority of the Company,*

WITH A VIEW TO THE

ABOLITION OF SLAVERY AND THE SLAVE TRADE

ALSO OF ANY

CORRESPONDENCE

BETWEEN THE BOARD OF CONTROL AND THE COURT OF DIRECTORS

ON THE SAID SUBJECTS

Ordered to

CORRESPONDENCE ON THE SLAVE TRADE

LIST OF PAPERS relating to SLAVERY IN INDIA, in the LEGISLATIVE, JUDICIAL, and POLITICAL DEPARTMENTS.

I N D I A.

No. 1.

Correspondence relative to the Preparation of a Report on Slavery in India, by The Law Commissioners.

Legislative Despatch to India, 29 Aug (No. 11) 1838	p. 1
Legislative Letter from India, 4 May (No. 13) 1840, para. 124	p. 1
Legislative Despatch to India, 29 July (No. 9) 1840, para. 20	p. 1
Legislative Letter from India, 16 November (No. 19) 1840, paras 21 and 30	p. 2
Legislative Despatch to India, 3 March (No. 8) 1841	p. 2

State of Slavery generally, and by a Master over his Slave; Objections to any Legislative Enactment defining the rights of Masters proposed Law, enacting that Offences against Slaves shall be punishable in the same manner as Offences committed against Free Person, State of the Law and Practice relative to the Sale of Children in India.

Legislative Despatch to India, 26 Sept. (No. 15) 1838	p. 1
Legislative Letter from India, 11 February (No. 4) 1839, paras. 1 to 4	p. 4
Legislative Letter from Lord Auckland, 6 May (No. 1) 1839	p. 1
Legislative Despatch to India, 17 September (No. 14) 1839, para. 38	p. 5
Legislative Letter from India, 16 September (No. 22) 1839, para. 8	p. 5
Legislative Letter from India, 27 January (No. 1) 1840	p. 5
Legislative Letter from India, 16 November (No. 19) 1840, para. 31	p. 7

B E N G A L.

No. 3.

Sale of Slaves in Loodiana.—Sale of Children in the Town of Kasheepore.—Debtor Slavery in the Tenasserim Provinces.—Suits for the Recovery of Slaves in Saugor.—Slavery in Assam.

Agra Political Narrative, May 1835, para. 115	p. 66
Political De-patch to India, 7 February (No. 10) 1838, para. 76	p. 66
Agra Judicial Narrative, 16 October (No. 16) 1837, para. 88	p. 71
Judicial Despatch to Bengal, 2 May (No. 5) 1838, para. 13	p. 75
Judicial Despatch to India, 24 June (No. 3) 1840, para. 67	p. 78
Legislative Letter from India, 21 October (No. 24) 1839, para. 119	p. 78
Legislative Letter from India, 16 November (No. 19) 1840, para. 33	p. 78

M A D R A S.

No. 4.

Slavery amongst the Portuguese Inhabitants of Angengo.—Trial of a Person charged with stealing a Child from the Town of Pondicherry.—Condition of the Cheruurs, or Rustic Slaves, in Malabar.

Judicial Letter from Madras, 11 October (No. 11) 1837, para. 30	p. 81
Legislative Letter from India, 7 February (No. 4) 1838, para. 78	p. 81
Judicial Despatch to Madras, 27 January (No. 4.) 1841, para. 67	p. 81
Judicial Letter from Madras, 10 April (No. 4) 1838, para. 16	p. 88
Judicial Despatch to Madras, 27 January (No. 5) 1841, para. 55	p. 88
Revenue Despatch to Madras, 17 August (No. 12) 1838, para. 17	p. 89
Judicial Letter from Madras, 18 July (No. 7) 1839, para. 29	p. 89
Legislative Letter from India, 21 October (No. 24) 1839, para. 119	p. 90
Judicial Despatch to Madras, 3 February (No. 7) 1841, para. 49	p. 90

No. 5.

Kidnapping of Children in certain Maritime Districts under the Madras Presidency; Seizure of a Native Brig at Madras with 32 Children on board; Trial and Acquittal of Parties.

Marine Letter from Madras, 17 December (No. 10) 1839, paras. 3 to 6	p. 10
Marine Letter from Madras, 11 February (No. 1) 1840, paras. 2 to 4	p. 104
Judicial Despatch to Madras, 16 September (No. 12) 1840	p. 105
Judicial Despatch to India, 16 September (No. 15) 1840	p. 105

No. 6.

Emancipation of Slaves in Coorg.

Political Letter from India, 27 February 1839, para. 131	p. 155
Political Letter from India, 14 January (No. 1) 1841	p. 155
Political Despatch to India, 22 January (No. 3) 1840	p. 155

B O M B A Y.

No. 7.

Slave Trade in the Persian Gulf; Traffic in Slaves carried on by Vessels from the Arabian Coast and the Persian Gulf trading with Bombay; Treaties with the principal Arab States in the Gulf for the Suppression of the Slave Trade.—Importation of Slaves from the Coast of Africa into Cutch and the Portuguese Ports of Demau and Dieu.

Legislative Letter from India, 16 April (No. 7) 1838, para. 21	p. 154
Legislative Letter from India, 19 November (No. 19) 1838, paras. 103 to 117	p. 154
Political Letter from Bombay, 1 January (No. 1) 1839	p. 155
Legislative Letter from India, 20 May (No. 12) 1839, para. 181	p. 156
Political Despatch to Bombay, 12 March (No. 5) 1840, para. 68	p. 156
Political Letter from Bombay, 23 May (No. 17) 1840	p. 156
Political Letter from Bombay, 15 August (No. 31) 1840, paras. 200 to 213	p. 158
Political Letter from Bombay, 23 August (No. 36) 1840	p. 161
Political Letter from Bombay, 30 September (No. 41) 1840, paras. 33 to 41	p. 227
Political Despatch to Bombay, 23 October (No. 44) 1840	p. 228
Political Letter from Bombay, 12 May (No. 1) 1841, paras. 10 and 11	p. 232
Political Letter from Bombay, 12 May (No. 1) 1841, paras. 10 and 11	p. 232
Political Letter from Bombay, 12 May (No. 1) 1841, paras. 10 and 11	p. 232
Political Despatch to Bombay, 23 December (No. 12) 1840, para. 70	p. 233
Political Despatch to Bombay, 23 December (No. 12) 1840, para. 70	p. 233

BOMBAY—*continued.*

No. 8.

Proceedings in the case of certain Runaway Slaves.—Liberation of Two Slave Girls imported into Ahmednuggur.—Defects in the existing Law for the Punishment of Parties charged with exporting Slaves and Free Persons and selling them in a Foreign Territory.

Judicial Letter from India, 3 December (No. 15) 1838, para. 24	- - -	p. 238
Legislative Letter from India, 22 April (No. 11) 1839, paras. 154 to 156	-	p. 238
Legislative Despatch to India, 13 May (No. 6) 1840, para. 26	- - -	p. 238
Political Letter from Bombay, 20 May (No. 16) 1840, paras. 2 to 5	- - -	p. 256
Political Letter from Bombay, 27 November (No. 43) 1839, paras. 2 and 3	-	p. 261
Political Despatch to Bombay, 13 May (No. 10) 1840, para. 3	- - -	p. 261
Judicial Letter from Bombay, 1 February (No. 1) 1841, paras. 48 to 55	-	p. 262

I N D I A.

Legislative Letter from the Governor General of India, dated the 8th Day of February 1841, with the Report from the Indian Law Commissioners, and its Appendix. on the Subject of Slavery in the East Indies (No. 3. of 1841)	- - -	
Legislative Letter from the Governor General of India, dated the 10th of May 1841. and Minute of the Governor General (No. 8 of 1841)	- - -	p. 279
Legislative Despatch to India, dated 25th of August 1841 (No. 16. of 1841)—With Enclosure	- - -	p. 284
Extract Political Letter from India, dated 9th June (No. 34) 1841, paras. 2 & 3—With Enclosures	- - -	p. 285
Political Despatch to India, dated 19th July (No. 21) 1841—With Enclosures	- - -	p. 287
Letter from Sir John Hobhouse to the Chairman and Deputy Chairman of the East India Company, dated 17th September 1838	- - -	p. 288
Letter from Sir John Hobhouse to the Chairman and Deputy Chairman of the East India Company, dated 23d February 1841	- - -	p. 288
Letter from C. Buller, Esq., to J. C. Melvill, Esq., dated 31st July 1841—With Enclosure	-	p. 289
Letter from Hugh Stark, Esq., to J. C. Melvill, Esq., dated 18th August 1838	-	p. 289
Letter from J. C. Melvill, Esq., to Hugh Stark, Esq., dated 6th September 1838	-	p. 289
Letter from T. N. Waterfield, Esq., to T. L. Peacock, Esq., dated 16th August 1841—With Enclosures	- - -	p. 290

DAVID HILL,
Assistant Examiner of India Correspondence.

No. 1.

I N D I A.

CORRESPONDENCE respecting the Preparation of a REPORT ON SLAVERY in
India by the Law Commissioners.

LEGISLATIVE DESPATCH to *India*, dated 29 August (No. 14) 1838.

No. 1.
INDIA.

Para. 1. IN our despatch in the Public Department, dated 10th December, No. 44 of 1834, paras. 71 to 75, we drew your attention to the means to be pursued for the mitigation of the state of slavery in India, with a view to its extinction at the first safe moment.

(29.) Legislative Letter, 31st August (No. 3) 1835: Reference to the Law Commissioners of Court's orders on the subject of slavery.

2. In your reply in the Legislative Department, dated 31st August, No. 3, of 1835, para. 29, you informed us that this delicate question would shortly be referred to the Law Commissioners, which reference appears to have been made under your resolution of the same date.

3. We have not since received any communication from you on the subject.

4. A notice now stands on the Order-book of the House of Commons for the next session, "To bring under the consideration of The House the state of Slavery in India," and it is most important that we should have the means of placing before the Legislature a clear and complete view of the subject, in all its relations to the well-being of the numerous parties affected by it.

5. We desire that the attention of the Law Commissioners may be immediately recalled to this question, and that we may receive, with as little delay as possible, a Report on the means of carrying out remedial measures to the fullest practical extent.

We are, &c.

(signed) *J. L. Lushington.*
R. Jenkins.

&c. &c. &c.

London, 29 August 1838.

EXTRACT LEGISLATIVE LETTER from *India*, dated 4 May (No. 13) 1840.

Para. 124. THE government of Bombay being competent to pass orders on this application, we did not interfere in the matter, but our colleague, Mr. Amos, took the opportunity of remarking that, in the forthcoming Report respecting slavery, which had occupied much of the time of the Law Commission, the portion which related to Bombay was in a very unsatisfactory state, none of the members of that body possessing any general knowledge of the state of slavery in the Bombay presidency. Mr. Borradaile, shortly after this, arrived in Calcutta, and his appointment to the Law Commission was notified to your honourable Court in our despatch (No. 2), dated 27 January 1840.

Report of Law Commission on Slavery.

EXTRACT LEGISLATIVE DESPATCH to *India*, dated 29 July (No. 9) 1840.

Para. 20. WE hope soon to receive a Report from the Law Commissioners on the subject of slavery in India generally. Parliament and the public are becoming impatient at the delay.

Letter from, dated 21st October (No. 24) 1839 (113). Reference to the Law Commission respecting slavery.

CORRESPONDENCE ON THE SLAVE TRADE,

No. 1.
INDIA.

EXTRACT LEGISLATIVE LETTER from *India*, date^d 16 November (No. 19)
1840.

Matters referred to Law Commission.

Proposal to print a portion of the Slavery Report of the Law Commission in another press.

Leg. Cons. 27 April 1840, No. 8 and 9.

Para. 29. To obviate the delay which would occur in printing at the Military Orphan Press the entire Report on the state of slavery in India, prepared by the Indian Law Commissioners, permission was requested to employ another press in printing, simultaneously, all, or such portions of it as could not conveniently be performed at the Orphan Press. The entire Report, it is computed, will occupy about 1,850 pages of printing, some portion of which, already printed, has been received by us.

30. We saw no objection to the employment of another press, if the Military Orphan Press, already engaged on the work, were unable to complete it within the requisite time; but if it could complete the work within the time, and in the manner desired by the Law Commissioners, we were of opinion that preference ought to be given to it.

LEGISLATIVE DESPATCH to *India*, dated 3 March (No. 8) 1841.

Slavery Report.

Para. 1. By your letter of the 16th of November last (para. 29) we were apprised that the Report of the Law Commissioners on the subject of slavery had been completed, and that arrangements had been made for printing it with expedition. Some portion of the Report was stated at that time to have been printed and laid before you. Under these circumstances, we regret that we have not been furnished with a copy of that document by the mail despatched in the end of December. We feel assured that we may rely upon receiving it by the next mail; but, in order to guard against the risk of disappointment in that respect, we desire that, unless already done, three copies of the Report may be forwarded by the first mail, after your receipt of this despatch, with a view to its being laid before the two Houses of Parliament.

We, &c.
(signed) *W. B. Bayley.*
G. Lyall.
&c. &c. &c.

London, 3 March 1841.

EXTRACT LEGISLATIVE CONSULTATIONS, 27 April 1840.

(No. 8.)

From *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, to *T. H. Muddock*, Esq. Secretary to Government of *India*, dated 4 April 1840.

Sir,

No. 8

THE Report at large on the state of Indian slavery which the Law Commissioners will submit to the Right honourable the Governor-general of India in Council will include: 1. A review of the evils resulting from slavery in India, founded on the evidence taken by the Law Commission and official documents to which they have had access, with suggestions of remedial measures. 2. A digest of such evidence and documents, divided into sections, applicable severally to the provinces dependent on the three Presidencies. 3. Appendix containing evidence taken, and official documents collected by the Law Commission, and not yet printed.

2. The whole, it is computed, will occupy about 1,850 pages of printing, of which 140 are now printed, being part of the third of the above subdivisions. The remaining part of the same third subdivision will occupy about 73 printed pages.

3. On a reference to the superintendent of the Military Orphan Press, the Law Commissioners find, as appears by the letter hereunto annexed, that to pass through the press the whole of the unprinted matter will require the delay of about

about four or five months, and to effect it in that time there must be no interruption, and the press must have extra printers. It is apprehended that the first and second of the above subdivisions will, from the nature of them, as consisting of composition and not of official returns, require much more correction than the third part.

4. To obviate the inconvenience of the delay, the Law Commissioners request permission to employ another press in printing simultaneously all or such parts of the two first subdivisions as may be found convenient.

They solicit this permission, because they understand that the orders of Government require that all public printing business be sent to the Military Orphan Press.

I have, &c.

(signed) *J. C. C. Sutherland,*
Secretary.

Indian Law Commission,
4 April 1840.

From *G. H. Huttman*, Esq. Superintendent Orphan Press, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 4 April 1840.

Dear Sir,

RECKONING, as you say, the appendix now passing through the press to make 1,800 or 1,900 pages, foolscap, and no further interruptions occurring either in supply of copy or detention of proofs, I calculate the whole can be got out in four or five months. Additional hands shall be put on, and not an hour lost on the work.

I am, &c.

(signed) *G. H. Huttman*, Superintendent.

Orphan Press, 4 April 1840.

(True copy.)

(signed) *J. C. C. Sutherland*, Secretary.

(No. 210.)

From *T. H. Maddock*, Esq. Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 27 April 1840.

Sir,

I HAVE the honour to acknowledge the receipt of your letter (No. 8) dated the 4th instant, and to inform you in reply that the Right honourable the Governor-general in Council sees no objection to the employment of another press for printing the Report on Indian slavery, should the Military Orphan Press, already engaged on this work, be unable to complete it within the requisite time; but if the latter press be able to complete the work within the time and in the manner desired by the Law Commissioners, it is his Lordship's opinion that the preference should be given to it.

I have, &c.

(signed) *T. H. Maddock*,
Secretary to the Government of India.

Council Chamber, 27 April 1840

CORRESPONDENCE ON THE SLAVE TRADE,

— No. 2. —

STATE of SLAVERY generally; Protection of Slaves; power of Correction possessed by a Master over his Slave; Objections to any Legislative Enactment defining the Rights of Masters; proposed Law, enacting that Offences against Slaves shall be punishable in the same manner as Offences committed against Free Persons; Law and Practice relative to the Sale of Children.

LEGISLATIVE DESPATCH to *India*, dated 26 September (No. 15) 1838.

OUR attention has been drawn to the observations on the subject of slavery contained in Note (B.), which is appended by the Law Commissioners to the Penal Code. In those observations it is recommended "that no act falling under the definition of an offence should be exempted from punishment because it is committed by a master against a slave." This recommendation has our entire concurrence, and we desire accordingly, with reference to our despatch on this subject, under date the 29th of August last (No. 14), that you will lose no time in passing an enactment to the foregoing effect.

We are, &c.
(signed) *J. L. Lushington.*
R. Jenkins.

London, 26 September 1838.

&c. &c. &c.

EXTRACT LEGISLATIVE LETTER from *India*, dated 11 February (No. 4) of 1839.

Para. 1. WE have the honour to acknowledge the receipt of your despatches noted in the margin.

2. The former of these despatches, requiring a report upon the state of slavery in India, was received at the Presidency on the 24th November last, and was referred to the Law Commissioners for the preparation of the required report on the 26th idem. The Commissioners' reply, dated the 8th ultimo, informed us that they were unable to comply with your wishes by opportunity of the steamer, which, according to public announcement, is to leave Bombay on the 25th instant.

No. 11 to 14.
No. 3 to 6.
No. 44 & 45.

3. Aware, however, of your anxiety to be furnished at the earliest opportunity with all the information which had been collected upon the subject by the Law Commissioners, in consequence of your recent directions, Mr. Amos, as president of the Commission, laid before us on the 4th instant the examinations (copies of which are forwarded herewith) which had been taken pursuant to such directions; and we were about to forward these separately, when we received a Report on the subject from the Law Commissioners, which we transmit with this despatch, in the hope of its reaching Bombay in time for the steamer, reserving our own sentiments on the subject to be forwarded, after due consideration, by a future opportunity.

4. The subject of your despatch, No. 15, is included in the Report of the Commissioners now forwarded.

LETTER from the GOVERNOR-GENERAL in the Legislative Department, dated
6 May (No. 1) 1839.

opinion, in Mr. Officiating Secretary Grant's letter of the 8th ultimo, the question whether any law having for its object the protection of the slave against ill-treatment by his master, should now be promulgated, or whether nothing should be done in the matter of slavery in India, pending a reply to the reference made to your Honourable Court by the Honourable the President in Council, in his despatch, No. 4 (11th February) of 1839, I have considered it advisable to submit my views on this subject in my Minute, recorded under date the 6th instant, a copy of which I have the honour to transmit herewith for your information, in order that my sentiments may receive the consideration of your honourable Court at the same time with the rest of the papers already forwarded in the despatch above alluded to.

2. Copies of the letter from Mr. Officiating Secretary Grant of the 8th April last, and of the papers specified in the 5th paragraph of that communication, which do not appear to have been sent to your Honourable Court, accompany this despatch.

I have, &c.

(signed) *Auckland.*

la, 6 May 1839.

No. 2.
INDIA.

EXTRACT LEGISLATIVE DESPATCH to *India*, dated 11 September (No. 14) 1839.

Para. 38. This subject is under consideration.

Letter from, dated 11th February (No. 4) 1839; ditto Governor-general's, 6th May (No. 1).

Report of the Law Commissioners relating to slavery, and Minute of the Governor-general as to the immediate promulgation of a law for the protection of the slave from ill-treatment by his master, whether nothing should be done in the matter of slavery in India, pending a reply to the reference by the Honourable the President in Council of the 11th February (No. 4) 1839.

EXTRACT LEGISLATIVE LETTER from *India*, dated 16 September (No. 22) 1839.

Para. 8. THE subjects of these despatches have engaged much of our attention, as your Honourable Court will have learned from our letter dated the 11th February last (No. 4), and the Governor-general's despatch, dated the 6th May (No. 1). Further discussions have taken place since the dates of these communications, which will be reported in due course. Slavery; Nos. 14 and 15, of 1838.

LEGISLATIVE LETTER from *India*, dated 27 January (No. 1) 1840.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

IN continuation of the despatches noted on the margin, we have the honour to forward to your Honourable Court further correspondence which has passed on the subject of your Honourable Court's despatch (No. 15) 26th September of 1838, desiring the enactment of a law to the effect of a provision suggested in Note (B.) of the proposed Penal Code submitted by the Indian Law Commissioners, viz. "That whatever is an offence when committed against a freeman, shall also be an offence when committed against a slave."

Leg. Department, 27 January 1840.
President in Council, No. 4, 11 Feb 1839.
Governor-general, No. 1, 6 May 1839
Leg. Cons. 27 May 1839, Nos. 4 and
— 2 Sept. 1839, Nos. 11 to 1
— 21 Oct. 1839, No. 1.
— 24 June 1839, No. 54.

2. On receipt of the Governor-general's Minute of the 6th of May, forwarded to your honourable Court, with his Lordship's despatch of the same date, we proposed, for the consideration and opinion of the Indian Law Commissioners, and of the governments of Fort St. George and Bombay, the following three questions, communicating at the same time our own views in regard particularly to the first of those questions.

• First. Whether or not it is expedient now to pass any law to the effect of that directed by your Honourable Court.

Secondly. Whether, supposing a law of the nature proposed to be determined on, it could with justice be passed without compensation to the owners of slaves;

No. 2.
INDIA.

and, generally speaking, what compensation would be equivalent to the practical change which such a law would effect in the value of a slave; also whether it would be indispensable, if the power of moderate correction be taken away, that some provisions for enforcing obedience, in the nature of the regulations or bye-laws for enforcing the obedience of servants, should be enacted.

Thirdly. Whether in the event of a law of the nature proposed being passed,

Draft Act, (B.)

It is hereby declared and enacted, that no act which would be an offence if done against a free person, shall be exempted from punishment because it is done against a slave.

Draft Act, (A.)

It is hereby declared and enacted, that whoever assaults, imprisons, or inflicts any bodily injury upon any person being a slave, either by way of punishment or of compulsion, or in the prosecution of any purpose, or for any other cause, or under any other pretext whatsoever, under circumstances which would not have justified such assaulting, imprisoning, or inflicting bodily injury upon such person, if such person had not been a slave, is liable to be punished by all courts of criminal judicature within the territories subject to the government of the East India Company, as he would be liable to be punished by such courts if such person had not been a slave.

it would be expedient to pass it in the form of the Draft (A.), as entered on the margin, which is taken, with slight alterations, from the draft prepared by the Law Commissioners, and submitted with their Report of the 1st of February

1839, or in the more general form (B.) (also cited), which follows more nearly the words of your honourable Court's despatch above referred to.

3. For our detailed views upon the foregoing questions, we beg to refer your Honourable Court to our secretary's letter of the 27th of May 1839.

4. The governments of Fort St. George and Bombay duly replied to our communication on the 30th of July and 5th August last. The government of Madras submitted the sentiments of the Sudder Court at that presidency on the several points above noticed, and intimated its entire concurrence in the opinions expressed by the judges. That government was also of opinion, that "it would be preferable not to legislate at all in respect to slavery, until the whole question in all its bearings has been fully considered."

5. The government of Bombay did not furnish any opinion of its own, but submitted a letter from the judges of the Sudder Court, who remarked, "that there does not appear to be any necessity to pass a special law for the protection of slaves throughout the zillahs of this (the Bombay) presidency, as the law in force is as applicable to them as to freemen, and no offence done against a freeman is, by the Bombay Code, exempted from punishment, because it is done against a slave." The judges further observed, that "as the power of a master to correct his slave has never been admitted by our (the Bombay) Code, the general practice of the magistrates has been against it, although exceptions are quoted in the Note (B.) to the Penal Code, and it is not considered that a strict enforcement of this rule would be looked upon by the community as an infringement of right, or a deterioration of property, for masters are also protected against the misconduct of their slaves, as the regulations for the punishment of servants, contained in section 18, Regulation XII. of 1827, have been ruled by this Court, under date the 4th November 1830, to be applicable to slaves."

6. Our colleague, Mr. Amos, recorded a Minute, under date the 27th of August, on the foregoing communications from Madras and Bombay.

7. We addressed the Bombay government, on the 2d of September, stating that we were of opinion that, for the purpose of the Report on slavery, as well as with respect to the particular Act under consideration, it would be desirable to inquire of the Company's advocate at Bombay, whether, in any proceeding for false imprisonment, the Bombay Regulation would amount to a legal justification, the person imprisoned being a slave, and not under any specific contract of service?

8. We also stated that we considered it to be desirable to inquire of the judges of the Sudder Foujdarry Adawlut at Bombay, what is the number of cases in which the regulation has been put in force against slaves, and whether, under the Bombay Regulations, a master punishing a servant (not being a slave), young or old, by moderate correction for gross negligence or misconduct, would be punishable as for an assault?

9. With regard to the "general practice of magistrates," we observed, that there was no doubt that, as regards immoderate correction, or even moderate correction without fault, every kind of law, and the universal practice of magistrates throughout India, is in favour of the slave. What, we stated, we particularly desired to know was, whether the Sudder Foujdarry Adawlut meant, that

the

AND MEASURES TAKEN FOR ITS ABOLITION.

7

the general practice applies to moderate correction for negligence or misconduct. If such were the case, we further desired to be informed of the number of cases in which masters have been punished by magistrates for moderate correction of their slaves.

No. 2.
INDIA.

10. We have not yet received a reply to this communication. In expectation of that reply, we have hitherto delayed reporting the papers to your Honourable Court.

11. The Law Commissioners, in acknowledging our secretary's letter of the 27th of May last, observed on the 13th of June following, that the subject of it would be discussed in their general Report upon slavery in India, which it was expected would be soon ready for submission to us.

12. As suggested by the Governor-general in paras. 13 and 14 of his Lordship's Minute, dated the 6th of May, we have requested the Law Commissioners to submit, for our consideration, with their own opinion and suggestions, a report on the present state of the law and practice in India relative to the sale of children. We have requested that this subject might be treated of in a separate report, as it appeared to us to be a question which, supposing it to require legislation, might be conveniently legislated upon without reference to the question of the punishment by a master of his slave. On the 16th of December last, we forwarded to the Commissioners certain papers which we had called for from the Madras government, explanatory of the circumstances under which it was considered advisable by the Sudder Court at that presidency to issue a circular order, directed to the criminal authorities subordinate to it, ruling that, excepting in a season of famine, the act of the sale of a child by its parent was punishable by tazeer. This subject has also been reserved by the Commissioners for consideration in their general Report on slavery.

Leg. Cons. 27 Ma
1839, No. 5; 21
Oct. No. 3 to 7;
16 Dec. No. 20 to
22.

Of 17 Sept. 1839,
No. 111.

We have, &c.

(signed) J. Nicolls.
W. W. Bird.
Wm. Casement.
A. Amos.

Fort William, 27 January 1840.

EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 10 February (No. 4) 1840.

Para. 17. THE government of India having requested that the Court of Foujdaree Adawlut might be called upon to report the circumstances under which the issue of the Circular Order, No. 111, on the sale of children, was thought advisable, we requested the judges to supply the information; and a copy of their reply, which was duly furnished to that government, we beg now to submit, for the information of your Honourable Court. The Circular Order in question was forwarded to your Honourable Court in a letter to the address of the secretary at the India House, dated 15 October 1839, No. 29.

Sale of children.

EXTRACT LEGISLATIVE LETTER from *India*, dated 16 November (No. 19) 1840.

Para. 31. IN our despatch, No. 1, of 1840, we informed your Honourable Court that we had called on the Law Commission and the governments of Madras and Bombay for further information relative to a proposed law providing that personal injury or assault committed on a slave should be punished in the same manner as if committed on a free person. On again calling the attention of the Bombay government to the subject, his Honor in Council furnished us with documents containing the opinions of the judges of the Sudder Adawlut and of the acting advocate-general on the several points referred to in the despatch above quoted.

Slavery.
Leg. Cons. 27 Apr
1840, No. 10.

CORRESPONDENCE ON THE SLAVE TRADE.

No. 2.
INDIA.

EXTRACT LEGISLATIVE CONSULTATION, 5 November 1838.

No. 11.

EXTRACT from a LETTER (No. 156) from *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, to *T. H. Maddock*, Esq. Secretary to the Government of India, dated 14 September 1838.

Sept. 28, 1835: Mr. Secretary Macnaghten's letter, with correspondence enclosed.
Dec. 7, 1835: ditto, with ditto.
July 17, 1837: ditto, with ditto.

Para. 7. For consideration in their proper place, the letters noted in the margin, made to the Law Commissioners three references connected with slavery. First, as to bondage and slavery in Assam: second, the enactment of a law extending to the Madras territory rules analogous to those of Regulation X. of 1811, and Regulation III. of 1832, of the Bengal Code, for the purpose of preventing importation of slaves and internal removal for purposes of traffic: third, the system of slavery existing among the Portuguese inhabitants of Anjengo.

8. In pursuance of the intention expressed in the general letter of the 30th March (No. 108), the Law Commissioners will soon address the Supreme Government on these important subjects.

EXTRACT of a LETTER from the Officiating Secretary to the Indian Law Commissioners, dated 30 March 1838 (No. 108).

Letter, dated 28th September 1835, No. 201.—Transmitting copies of a correspondence relative to the gradual mitigation and extenuation of slavery and bondage in Assam.

Letter, dated 7th December 1835, No. 66.—Transmitting copies of a letter from the chief secretary to the government of Fort St. George, dated 17th November, and of its enclosures, relative to the prohibition of the importation of slaves by land into places dependent upon the Madras presidency.

Letter, dated 17th July 1837, No. 249.—In continuation of letter, No. 66, dated the 7th December 1835, transmitting copies of a communication from the chief secretary to government of Fort St. George, dated the 6th of June 1837, and of its accompaniments, relative to a system of slavery existing among the Portuguese inhabitants of Anjengo.

Letter, dated 11th December, 1837, No. —.—Forwarding copies of papers relative to the traffic in slaves, which is supposed to be carried on to a considerable extent in the ports upon the Malabar coast. Desiring the Commission to put the Act proposed by the government of Bombay, for the suppression of this traffic, into proper form, and to return it with their reply.

THESE papers relate to the important subject of slavery.

The question of providing more effectually by law for the prevention of the importation of foreign slaves by sea, which is the subject of the paper last entered, is distinct from the questions to which the papers mentioned in the four first entries relate; and it will be distinctly treated in a separate letter now under preparation. The papers mentioned in the three first entries here noted refer to the importation of foreign slaves by land, and to questions of internal regulation in respect of native slaves. These subjects will be treated in another separate letter, now also under preparation.

(No. 46.)

No. 12. EXTRACT from the PROCEEDINGS of the Honourable the President in Council in the POLITICAL DEPARTMENT, under date the 17th October 1838.

EXTRACT from a LETTER from the Honourable the Court of Directors (No. 12) of 1838, dated 13 February.

Nos. 84 to 89,
concerning slavery
in Gurhwa

Para. 26. It was highly proper in Lieutenant-colonel Young to refuse to deliver up fugitive slaves; and although that officer must be held to have exceeded his powers in issuing to the Rajah of Gurhwal a peremptory mandate, requiring him to interdict the future purchase of slaves in his territories, the letter of Sir Charles Metcalfe to the Rajah, urging him to discourage the practice, was highly commendable.

27. The Lieutenant-governor appears to have first learned the existence of slavery in Kumaon from the statements of the Gurhwal Rajah on the present occasion. References were very properly made to the commissioner of Kumaon for information on the subject; and that officer's reply will, of course, be forwarded to us. The information which your Government possesses, applicable to the execution of the intention of Parliament respecting the abolition of slavery, throughout

throughout India, seems still to be very defective; and we recommend to you the issue of circular queries, with a view, in particular, to ascertain in what parts of the British territories agricultural slavery exists, what is its character, and what the nature of the difficulties which may oppose its abolition.

No. 2.

INDIA.

EXTRACT from a LETTER from the Deputy Secretary to the Government of India with the Governor-General, dated 11 June 1838.

WITH reference to paragraphs 26 and 27 of the Court's despatch, pointing out that the information which the government possesses respecting the abolition of slavery throughout India seems still to be defective, and recommending the issue of circular queries, with a view, in particular, to ascertain in what part of the British territories agricultural slavery exists, what is its character, and what the nature of the difficulties opposed to its abolition, his Lordship has had occasion to know that very extensive information was, some time ago, laid before the Law Commission; and he would recommend that the evidence possessed by that body should be digested, any defects in it supplied, and a report, thus compiled, be transmitted to the Honourable Court. His Lordship would add, that with reference to such returns, and in discussing the subject with the best authorities, he had satisfied himself that (practically) in our courts of justice the rights of master over slave, and a property in his labour, cannot be asserted; and it has been provided, in the draft of the Penal Code now before the Council, that no plea, founded on the supposed right of one man over the person of another, shall justify injury or restraint. It has also, as his Lordship believes, been fully established, that throughout our well-settled provinces, where there is a dominion of law and a knowledge of right, agricultural slavery cannot be said to exist; although, in some of our frontiers, as in Assam, and in our less reclaimed districts, particularly in Malabar, the government may yet have, for a time, to contend with inveterate national habit. But the contest must be conducted with the support and care of the Government, under good legal institutions, and by persevering exertions of local authority, rather than by abrupt and sweeping interference.

Ordered, that the foregoing extracts be sent to the Legislative Department, with a view to the same being made the subject of a communication to the Law Commission.

(True extract.)

(signed) *W. S. Bayley,*
Assistant Secretary to the Government of India.

NOTES by the Honourable *A. Amos*, and *T. C. Robertson*, Esqrs.

This reference is likely to take up a considerable time, for a report on the domestic slavery of India would take an individual, and still more a commission, a long time to prepare.

No. 13.

Lately, the Mysore Report was sent (I believe by the Governor-general's directions) to the Commission; and it has, I collect, absorbed the attention of two of the Commissioners for some time.

With such interruptions, I see no hopes for "procedure," and yet there seems to be nothing so pressing as the adapting of the Mofussil Courts to the trial of Europeans, the harmonizing of the Supreme Court with the Mofussil Courts, &c.; and we have now before us the suggestion, that the Mofussil Courts have no legal means of obtaining evidence at Calcutta, and that they in fact obtain it in such a way as would avoid their criminal and civil proceedings.

(signed) *A. Amos.*

I quite agree with Mr. Amos, and would instruct the Law Commission to leave domestic slavery alone for the present.

(signed) *T. C. Robertson.*

No. 2.
INDIA.

EXTRACT of a LETTER (No. 448) from *T. H. Maddock*, Esq. Officiating Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 5 November 1838.

No. 14.

Pol. 13 Feb. 1838,
No. 12.

Para. 2. Secondly. On the subject of slavery, adverted to in the 7th and 8th paras. of your letter, the President in Council looks forward to the early Report promised by the Commissioners. A copy of an extract from a despatch from the Honourable Court of Directors on this subject, is referred for the Law Commissioners' information.

EXTRACT LEGISLATIVE CONSULTATION (No. 165), 26 November 1838.

No. 3.

From *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, to *T. H. Maddock*, Esq. Secretary to Government of India, Legislative Department, dated 16 November 1838.

Sir,

I AM directed to acknowledge the receipt of your letter of the 5th November, and, with reference to an extract from a despatch from the Honourable Court of Directors, on the subject of slavery, enclosed in that letter, the Law Commissioners direct me to say that, if it is the wish of Government that they should now enter upon the general question of the abolition of slavery throughout India, in execution of the intentions of Parliament, they would suggest that some of their members should be detached for the purpose of local inquiry. They feel that, without such inquiry, it would be impossible for them to pronounce, with confidence, upon the time at which, or the means by which, the abolition of slavery can be effected, with a due regard to those interests which, however iniquitous as regards the slave, appear nevertheless, to have the sanction of legal right.

2. The important work of framing a code of judicial establishments and procedure, in which the Commissioners are now engaged, though the attention of the absent members must of course be withdrawn from it, would, if this plan were adopted, be continued uninterrupted by those who remain at Calcutta.

3. With reference to paras. 7 and 8 of my letter to Mr. Secretary Maddock, No. 156, the Commissioners direct me to observe, that the three branches of the subject of slavery alluded to in those paragraphs, can, in their opinion, be effectually disposed of only in the manner they have suggested above with reference to the general question.

4. The propositions, from Assam in particular, relating to registration, compensation by Government, and purchase of freedom by the slave, could hardly be decided upon without local inquiry.

5. The Commissioners possess, it is true, much information in the shape of answers to questions addressed to the several Courts of Sudder Dewanny and Nizamut Adawlut. But these questions were framed with a view to obtain such information as should enable the Commission to determine whether it was necessary to make any distinctions in the Penal Code in consequence of the legal existence of slavery; and it is obvious that a much more searching and minute inquiry is necessary before the Commission can venture to recommend positive measures for the mitigation and ultimate abolition of slavery. They abstain from entering into any further details until they are informed whether it is the wish of his Honor in Council, that they should give their assistance to Government in executing the intentions of Parliament as expressed in the 88th section of the Charter Act.

I have, &c.

Indian Law Commission,
16 November 1838.

(signed) *J. C. C. Sutherland*,
Secretary.

(No. 1043.)

No. 2.
INDIA.

From *H. Chamier*, Esq. Chief Secretary, *Fort St. George*, to *T. H. Maddock*, Esq.
 Officiating Secretary to the Government of *India*, dated 30 October 1838.

No. 4.

Sir,

THE Honourable the Court of Directors having, in para. 54 of their letter, dated the 5th January last, No. 1, a copy of which is annexed, directed that a transcript of a paper, containing answers to the questions circulated by the Board of Control regarding slavery in the East Indies, laid before this Government by Mr. F. C. Brown on the 25th February 1834, may be furnished to the Legislative Council of India, I am directed by the Right honourable the Governor in Council to forward you a copy of the document in question, and to request that the same may be submitted to the Honourable the President in Council in the Legislative Department.

Judicial Department.

See pp. 416-423 of
Return on Slavery
in India, printed in
1838.

I have, &c.

(signed) *H. Chamier*,

Chief Secretary.

Fort St. George, 30 October 1838.

(No. 471.)

From *T. H. Maddock*, Esq. Secretary to the Government of *India*, Legislative Department, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated the 26th November 1838.

No. 6.

Sir,

IN reply to your letter of the 16th instant, I am directed to request that you will inform the Law Commissioners that it is not the intention of the President in Council to direct them to institute an inquiry into the state of slavery in India in the manner suggested by the Law Commissioners in the first paragraph of your letter of the 16th instant.

2. The enclosed copy of a despatch from the Honourable Court of Directors, dated the 29th August last, will point out to the Law Commissioners what is particularly required at the present moment in the shape of information on the subject of Indian slavery; and the President in Council is in hopes that, with the mass of information on this subject already collected by the Commission, and by obtaining early replies to such queries as the Commissioners may think it necessary to put to officers of Government in different parts of India, such a report may be furnished, in time to meet the wishes of the Honourable Court of Directors, as may be found eminently useful, though it does not embrace all the details which a more prolonged investigation would have accumulated.

3. I am directed to annex an extract from a letter from the deputy secretary to the Government of India with the Governor-general, dated the 11th June 1838, in which his Lordship recommends that the evidence on the subject of slavery possessed by the Law Commissioners, should be digested, and that any defects in it being supplied, a report shall be compiled for transmission to the Court of Directors.

4. I am also directed to furnish you with a letter, in original, from the chief secretary of Government at Madras, containing copy of one from Mr. Brown, with his replies to the queries on the subject of slavery circulated by the Board of Control, which may be returned if the Commissioners are already in possession of a copy of those questions and answers.

I have, &c.

(signed) *T. H. Maddock*,

Secretary to Government of India.

Council Chamber,
 26 November 1838.

No. 2.
INDIA.

(No. 168.)

EXTRACT LEGISLATIVE CONSULTATIONS, 17 December 1838.

No. 44.

From *J. C. C. Sutherland, Esq.* Secretary to the Indian Law Commission, to *J. P. Grant, Esq.* Officiating Secretary to the Government of India, Legislative Department, dated 7 December 1838.

Sir,

I AM directed by the Law Commissioners to acknowledge and reply to your letter of the 26th ultimo, being in answer to mine of the 16th. With it were received the following enclosures :

1st. Copy of a despatch of the Honourable Court of Directors, dated 29th August 1838.

2d. Extract of a letter from the deputy secretary to the Government of India in attendance on the Governor-general, dated 11th June 1838.

3d. Original letter of the chief secretary of the Madras Government, dated 30 October 1838, with copy of Mr. Brown's replies to the 17 questions of the Board of Control on the subject of slavery in the East Indies.

2. The Law Commissioners observe that the Honourable Court, with reference to Mr. Macnaghten's letter, dated 31st of August 1835 (in which were enclosed extracts, paras. 38 to 75, from the honourable Court's despatch of the 10th December 1834, No. 44), direct that their attention may be recalled to the general question of Indian slavery, and require an early report as to the means of carrying into effect the measures remedial of slavery with the fullest practical extent.

3. The Right honourable the Governor-general, upon the suggestion of a prior despatch of the Honourable Court, recommends, in the deputy secretary's letter above mentioned, that the evidence possessed by the Commission should be digested, any defects in it supplied, and that a report thus compiled be transmitted to the Honourable Court.

4. The Law Commissioners direct me to request that you will inform his Honor the President in Council that they will, with as little delay as possible, endeavour to carry into effect the instructions contained in your letter.

5. They instruct me at the same time to remark, that the Honourable Court, in directing that the attention of the Law Commissioners should be immediately recalled to the subject of slavery, seem to be under a misapprehension as to the nature of the communication made to the Commission by Government on the 31st of August 1835; but as the Commissioners will have an opportunity of removing this misapprehension in the Report upon slavery which they are now called upon to prepare, they do not wish me here to enter into any explanations.

6. In the Appendix to the Report of the Select Committee, dated 16th of August 1832, head, "Public (K.)," the answers of Mr. Baber to the questions of the Board of Control on the subject of slavery are printed; and at page 423, reference is made to "the slavery in India documents laid before Parliament 12 March 1828." The Law Commissioners would feel obliged if his Honor the President in Council will cause them to be provided with a copy of these documents, which have (they believe) been printed.

I have, &c.

Indian Law Commission, (signed) *J. C. C. Sutherland*, Secretary.
7 December 1838.

(No. 513.)

From *J. P. Grant, Esq.* Officiating Secretary to Government of India, to *J. C. C. Sutherland, Esq.* Secretary to the Indian Law Commission, dated 17 December 1838.

Sir,

I AM directed by the Honourable the President in Council to acknowledge the receipt of your letter, No. 168, of the 7th instant; and with reference to the last paragraph thereof, to forward herewith, for the use of the Commission, a printed

copy of the papers touching the state of slavery in India, which were ordered by the House of Commons to be printed on the 12th of March 1828. This book has been procured from the office of the secretary in the General Department; and I am directed to request that you will return it, with the Report upon slavery which the Commissioners are now preparing.

No. 2.
INDIA.

I have, &c.

Council Chamber,
17 December 1838.

(signed) *J. P. Grant,*
Officiating Secretary to Government of India.

* EXTRACT LEGISLATIVE CONSULTATION, 4 February 1839.

(No. 2.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 31 December 1838.

No. 2.

Sir,

WITH reference to my letter to your address, dated the 17th instant, No. 513, I am directed by the Honourable the President in Council to request that you will inform the Commissioners that his Honor in Council is very anxious to transmit a Report on the subject of slavery in British India to the home authorities, by the overland mail of March next, at the latest. He would wish to be furnished with the report which the Commissioners have promised on that important subject one clear month, or at least three clear weeks before the latest safe date for sending despatches from hence, in order to go by the March packet from Bombay. If the Commission shall not be able to prepare a complete report upon the subject by the time stated, his Honor in Council still hopes that they may be able to furnish him by that time with a report embracing the matter of some considerable part of the necessary information, for immediate submission to the Honourable the Court of Directors.

Leg. Dep.

I have, &c.

Council Chamber,
31 Dec. 1838.

(signed) *J. P. Grant,*
Officiating Secretary to the Government of India.

(No. 177.)

From *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, to *J. P. Grant*, Esq. Officiating Secretary to the Government of India, Legislative Department, dated 8 January 1839.

Sir,

I AM directed to acknowledge the receipt of your letter, dated 31st December, received the 7th instant.

2. In that letter you state that the Honourable the President in Council would wish to be furnished with the Report which the Commissioners have promised on the important subject of slavery, one clear month, or at least three clear weeks before the latest safe date for sending despatches from hence, in order to go by the March packet from Bombay.

3. Supposing the packet to leave Bombay the beginning of March, the latest safe date for sending despatches from hence will be about the 12th of February, and three weeks before that will be the 18th January. The Commissioners direct me to say that they fear, considering the mass of materials before them, that it will be impossible to prepare a report within so short a time.

I have, &c.

Indian Law Commission,
8 January 1839.

(signed) *J. C. C. Sutherland,*
Secretary.

CORRESPONDENCE ON THE SLAVE TRADE,

No. 2.
INDIA.

MINUTE by the Honourable A. Amos, dated 4 February 1839.

KNOWING the anxiety of the Honourable Court of Directors to be furnished, at the earliest opportunity, with all the information which has been collected upon the subject of slavery by the Law Commission, in consequence of the recent directions of the Honourable Court, as a member of the Law Commission, I beg to lay before the Council a copy of the examinations which have been taken, pursuant to such directions, and to observe that the subject continues to occupy the particular attention of the Law Commission.

4 February 1839.

(signed) A. Amos.

QUESTIONS.

- 1.—Of what place are you a native, and what districts are you principally acquainted with from residence therein?
- 2.—What are the classes of domestic slaves, and what their conditions, according to your observation?
- 3.—What usually is the origin of domestic slavery?
- 4.—Are the sale and purchase of domestic slaves frequent amongst the Hindoos or Moslems?
- 5.—By what means are recusant domestic slaves coerced?
- 6.—In what modes are domestic slaves usually worked?
- 7.—Does agrestic slavery obtain at any places with which you are acquainted. What is its character, and what classes of people are such slaves, and what is the origin of their servile state?
- 8.—Are agrestic slaves regarded as bound to the soil, and may they be sold or removed at the pleasure of the master, and are such sales and removals frequent?
- 9.—In what modes are they worked and coerced?
- 10.—Is manumission often practised, and is it desired by the slave?
- 11.—Is the slave entitled to acquire property for his own use?
- 12.—Are domestic or agrestic slaves married with observance of rites, and is it a duty of the master to provide for the marriage of his male and female slaves, and when the slave husband and wife belonging to different masters, or when the husband is free, by what rule is the ownership in their children regulated?
- 13.—If a female slave be married to a free man, or the slave of another person, has the husband any right to remove or retain his wife?
- 14.—Can you mention any judicial decision or orders by magistrates passed in regard to questions between master and slave?
- 15.—What is the general character of the treatment of slaves, domestic or agrestic, in respect to diet, clothing, care and support, in illness and old age?
- 16.—Can the slave, infirm from old age, or other cause, assert a right to support on his master?
- 17.—Does ill usage give the slave a legal right to emancipation?
- 18.—Are slaves often let out to hire, or mortgaged?
- 19.—What are the usual forms by which slaves are transferred?
- 20.—Have any instances of transfer of slaves under contracts for hire, for long or short periods, come under your notice, and, under any circumstances, is such a contract popularly considered as operating on absolute sale?
- 21.—Does the issue of a slave, the subject of such contract, become the property of the hirer?

ADDITIONAL QUESTIONS.

HAS the slave a right to food, clothing, and shelter from the master? if withheld, how does he obtain redress?

CAN he, under such circumstances, transfer his services to another, or is it good ground for emancipation?

IS cruelty or hard usage ground for emancipation? By whom are the funeral expenses of a deceased slave defrayed? Is the master prohibited from requiring any particular service from his slave? Any affecting caste? Concubinage? Has a slave a right to any portion of his time in which to work for himself? When a separated slave is called on to perform other services than to attend at marriages, festivals, &c. does he ever receive hire for such service? Have these separated slaves usually a spot of free land given them (nankan) or erection of their houses?

WHICH is cheapest, the services of a male or female slave, or of a free servant? What the expense of each? If dearer, wherein the advantage of slave service? Are male slaves

ever retained merely for the purpose of retaining the females? Are female free servants for domestic work easily procurable? Are slaves frequently employed as confidential servants in the superintendence of households or gomastahs, tehsildars, mooktars, &c.?

Can a person, becoming a slave for debt, or by selling himself, redeem himself by paying the principal debt, or with interest, or on repayment of the purchase-money; or can parents redeem their children sold during distress, by repayment of the purchase-money, or with interest, or with expenses incurred?

Is slavery of Mahomedans confined to any particular class or classes of Mahomedans?

Do Mahomedans circumcise their Hindoo slaves?

Is there any kidnapping going on for the purposes of slave trading? if so, whence and by whom committed?

What proportion do the slaves bear to the whole population? Does not every respectable Hindoo and Mahomedan family keep slaves according to their ability?

Marriages.—With whom is the marriage of a female slave generally contracted? Ever with a freeman? Who defrays the expenses of the marriage?

If she is married to a freeman, does she become free; if so, how is her master compensated?

Are the daughters of female slaves usually married to freemen; and does the master in such cases receive a *douceur* for the bridegroom, called “*meneebarah*,” and thus relinquish all right over her?

If a female slave is married to the male slave of another, do they live together; does each continue to serve his and her own master? if not, how is the master who loses his slave's services compensated? Does a male slave ever marry a free woman, &c.? if so, does she become the slave of his master? Does one person, slave or freeman, ever marry several slave women? Are you aware of the practice of “*punwah shadee*,” “*beakara*,” or, “*punwah battur*” professional bridegroom?

Offspring.—To whom does the produce of the marriage of two slaves, different masters, belong?

To the master of the male or female slave?

Or the male issue to the one, the female to the other?

Does it depend on which master pays the expenses of the marriage?

To whom the issue of a marriage between a female slave and a free man?

Between a male slave and a free woman?

To whom, in case of a “*punwah shadee*?” Has the *beakara* a right to every alternate child? Are the female children necessarily slaves? Or may they, on attaining maturity, dispose of themselves to whom and how they please? On the marriage of a male or female slave, is it ever stipulated with the master that the offspring shall not be slaves? Is it ever stipulated at such marriages that the parents shall be at liberty to sell or otherwise dispose of their female issue to whom they like?

Transfers.—Is the transfer of slaves by sale frequent, and what the usual prices? Is it unlawful for the master to sell (mortgage or let) his slave beyond a certain distance, *i. e.* the next village or *pergunnah*; or is his right unlimited in this respect? Would it be considered hard if he sold his slave to a resident of a distant *zillah*?

Are there any *adscripti glebe* who cannot be sold separate from the land?

May the slaves, when unwilling to go to the new purchaser, select a purchaser of his own, and can the master object to this; or may they in such cases purchase their freedom? In case of a sale, does any property possessed by the slave go to the new master, or remain with the old?

Can married slaves be sold so as to separate them, the husband from the wife? Can children be sold (or given away), so as to separate them from their parents before a certain age, and what age? Are slaves sold by auction in execution of decrees, or for arrears of revenue or rent?

Mortgage and Leases.—What are the conditions of mortgage? And as respects the children living at the time or thereafter born? Are long leases frequent with the Hindoos and Mahomedans? How many years? Why lease? What becomes of the children? Does it bind them for ever, or for a time? “*Izaranamahs*,” “*purur chaltur*” (deed of sale). Who maintains the slave during mortgage? Suppose he dies, or becomes disabled, how does that affect the contract?

Are short leases practised? How long? At what rate?

Prostitution.—Are sale, or hire leases for this purpose lawful?

Mock Marriages.—

NO. 2,
INDIA.

LIST of WITNESSES examined on SLAVERY.

NO.	DATE OF EXAMINATION.	NAMES.	NATIVE COUNTRY.	OCCUPATION.
1.	1838 : 28 December	Raj Govind Sen	- - Pergunnah Sarail, village Chuntoor, Tipperah.	- - Mookhtear of the Rajah of Tipperah.
2.	28 — -	Tek Loll	- - Behar, village Futtel-poor, pergunnah Puthrope.	- - Mookhtear in the Sudder Dewanny Adawlut, Calcutta.
3.	1839 : 2 January	Vydia Nath Misser	- - Tirhoot, pergunnah Dharwar.	- - Pundit of the Presidency Sudder Dewanny Adawlut.
4.	2 — -	Hamud Russool	- - Behar district, Patna, pergunnah Sanda.	Vakeel of ditto.
5.	12 — -	R. H. Mytton, esq.	- - - - -	Magistrate of Sylhet.
6.	15 — -	Dhurb Singh Dos	- - Pergunnah Cutteya, Northern Cuttack.	- - Oriah Missul Kihan in the Presidency Sudder Dewanny Adawlut.
7.	18 — -	Kashee Nath Khan	- - Village Sattcen, pergunnah Khatta Rajshahye.	- - Agent of the Rances of the late Rajah Bishen Nath, of Natore.
8.	22 — -	Henry Ricketts, esq.	- - - - -	- - Commissioner of Revenue and Circuit, 19th division, Cuttack.
2*.	25 — -	Tek Loll	Continuation of the examination of.	
9.	29 — -	Ram Krishna Putnaik	- - Village Burmukhun Dapore, pergunnah Sarail, near Pooree, Southern Division.	- - Mookhtear in the Sudder Board of Revenue, Calcutta.

(signed) J. C. C. Sutherland,
Secretary Indian Law Commission

28 December 1838.

Raj Govind Sen, Mookhtear of the Rajah of Tipperah.

I AM a native of the pergunnah Sarail, village Chuntoor, in Tipperah.

I am acquainted with the districts of Tipperah, Sylhet, Mymensing, Dacca, and Chittagong.

In these districts there are two classes of slaves, the Kayat and Chundal.

The distinction between them is, that the Kayat is pure, and the superior castes can receive water from him; the Chundal is impure, and can only be employed in out-door work.

A slave is either so by descent or by sale. A free person may be sold either by both his parents or the survivor of them, or by himself.

A free person who has attained majority cannot be sold unless with his own consent.

These sales of free men only take place in time of calamity.

Sometimes the consideration for which a free man sells himself is marriage with a slave girl, whom the master will not permit him to marry upon other terms.

Sometimes free persons are sold by themselves or by their parents to Mussulmans, and become Mussulmans. But no adult, even if already a slave, can be sold to a Mussulman, without his own consent.

If a Kayat slave were converted to Islamism, he would become unfit for domestic use, but would continue a slave, and might be employed out of doors by a Hindoo master.

I am not aware that there is any importation of slaves for sale in the districts of which I speak, though sometimes people going to Assam buy slaves there, and bring them back with them.

The price of a young Kayat woman varies from 40 to 100 rupees; that of a young man from 20 to 40.

The price of a young Chundaul woman varies from 10 to 20 rupees; that of a young Chundaul man is about the same.

THE

The cause of the high comparative value of the female among Kayat slaves is, that she attends upon the ladies of the family.

The price of a Kayat female child, is from 20 to 30 rupees; that of a male child, from 10 to 25.

That of a female Chundaul, is from 7 to 10 rupees; that of a male child, the same.

There is in Sylhet a class of out-door slaves, who are Mussulmans. I believe they are low caste people, who have been converted, but have retained their servile state.

Slaves are very numerous in these districts; a family of respectability will frequently have from 10 to 25 families of slaves; and there is no family of respectability, either Mahomedan or Hindoo, that has not at least one family of slaves.

I should say, one-fourth of the population are slaves.

Many slaves are not required to do regular work for their masters, but only to attend at festivals.

There is generally a reciprocal regard between master and slave; and the master treats his slave with more kindness and attention than his hired servant.

In general, it is considered derogatory to sell a slave; but it is done when the owner is in distress.

It is customary, on the marriage of a daughter, to give one or two female slaves as her attendants.

If a slave gives offence, it is usual to give him a slap or blow with a shoe.

I never heard of a case of manumission; but a master sometimes expels his vicious slave.

Slaves are married with the same ceremonies as free persons of the same class; and when the husband and wife belong to different masters, it is usual for the owner of the woman to give her to the man's master, receiving a present, which is always less than her value.

If this kind of marriage takes place without the consent of the woman's master, the offspring are all his slaves.

Sometimes female slaves are married to persons whose profession it is to go about as the husbands of slaves; these persons are called byahkara, and this kind of marriage is called punwa shadi. The offspring of this marriage are the slaves of the woman's master. The byahkara is generally a slave, but receives to his own use what he earns as a byahkara. He comes to each of his wives about once in a month or two, and receives at each visit sustenance and a present. He receives at each marriage four or five rupees.

It is not usual to let slaves to hire; but have heard that beyond the limits of the Company's territories, in the hill country of Tipperah, Mannypore, and Juntia, that custom prevails.

In a case which was decided on appeal in the Nizamut Adawlut in 1837, certain slaves were restored to their owner. The name of the case is, Photia and others (the slaves) v. Musnud Ali, zemindar of Sarail, whose agent I was.

A nephew of mine brought an action against a slave of his and two persons, to whom the slave had clandestinely given his own daughters in marriage. The object of the suit was to recover the two female slaves; the suit was compromised.

In another case, of which the circumstances were the same, the master got a decree in the zillah court of Tipperah, and recovered his female slave.

I have been 18 years in Calcutta, and only know these cases from hearsay.

28 December 1838.

Tek Loll, Mookhtear in the Sudder Dewanny Adawlut, Calcutta.

I was born in Behar, in the village of Futtehpore, pergunnah Putchroke.

I am acquainted with that district and the adjoining districts.

Of Hindoo slaves, there are two classes in Behar; the Kuhar and the Dhanuk; which is also called Juswar Kirmi. These are both inheritable, and are transferable by sale. By the local custom of Behar, free persons, whether infant or adult of these two classes, may be sold by their maternal uncles or maternal grandmothers, not by their parents.

No one would buy a free person of these classes unless the maternal grandmother or maternal uncle were present at the delivery, and consenting.

The mother has a veto upon the sale, but not the father.

The maternal grandmother has the prior right to sell.

She being dead, or permanently absent, then the maternal uncle.

These sales take place not only in times of calamity, but at all times.

Bun vickrie is one kind of these sales, which take place when the subject of the sale is absent from his family and cannot be got at.

The consent of the subject is quite immaterial and is not asked.

The price is lower when the sale is bun vickree, on account of the risk the buyer runs of not getting possession of the person sold.

If a person thus sold were to refuse compliance, the buyer could coerce him; and I should think the magistrate would support the buyer in doing so.

I do not know any case of the kind of my own knowledge, but I have heard of such cases.

No. 2.
INDIA.

The Kuhar and Juswar Kurmi sometimes sell themselves to their creditors, or for the purpose of paying their creditors with the price.

These sales take place not only to Hindoos, but also to Mussulmans or other persons.

When a Mussulman is the buyer, and makes a convert of the slave, the slave is called moolah zaddah.

I have known Mussulmans to buy slaves brought from other districts; but a Hindoo would not do so, because he would not be sure of the slave's caste, and would fear pollution. The slaves thus brought from other districts are generally children.

Besides those who have thus become slaves from freemen, there are many who are slaves by descent; these have all descended from persons belonging to the Kuhar or Juswar Kurmi, and who have been sold in the manner described.

In case of scarcity or famine, other castes sometimes give up their children to be brought up by persons in good circumstances; but no price is given, and the children are not slaves though they perform services in the house.

Sales of free persons as above described are very common; and so are sales of persons already in slavery.

The only difference between the Kuhar and the Juswar Kurmi is, that the former being of inferior caste, carry palanquins, which the latter do not; with this exception, they are both employed in the same menial offices and in agriculture.

The price of slaves of course varies much according to circumstances. But the price of a young female may be from 50 to 125 rupees, and that of a young male about a third less. The cause of the difference is, that the girl may have children, which will belong to her owner.

Children of from six to eight sell for from 10 to 15 rupees; the price of females exceeding that of males in about the same proportion as above.

The pergunnah of Puchrookee contains about a lakh of people; I should think the proportion of slaves is about one-eighth. Probably the same proportion may prevail in the rest of the zillah.

If a slave will not work, he is coerced by threats, by flogging, and by stopping his rations.

The usual character of slaves is obedient, but sometimes slaves are refractory.

In agricultural labour, slaves are generally mixed with free labourers, and no greater quantity of labour is exacted from them. Both work the whole day, with short intervals for refreshment.

2 January 1839.

Vaydia Nath Missur, Pundit of the Sudder Dewanny Adawlut, Calcutta.

I AM a native of pergunnah Dharour, zillah Tirhoot.

I am well acquainted with that zillah, and have some knowledge of the adjoining districts of Sarun and Porneah.

The slaves in Tirhoot are all Kyburts, but they are subdivided into Kyburt (proper), Dhanuk, Amat, and Kurmi.

[Kyburt, in common parlance, is pronounced Keeat.]

Many people of these castes, however, are free.

The origin of all this slavery must be traced to self-sale or self-gift. I arrive at this conclusion by comparing the actual state of things with the doctrine of the shasters.

By the Hindu law, a Brahmin cannot be a slave to anybody; a Khytyra or Byse might be, but I never heard of any that were.

The slaves of the several classes mentioned are nearly the same in regard to purity, and are employed indifferently in in-door and out-door work.

There are no slave castes in my country, nor does the Hindoo law recognize slavery as incident to caste.

Many of the slaves of great families are settled on the estates, and are not required to perform any service, except attending at ceremonies, and defending their master in case of need. They pay rent, but less than is paid by free persons. They have, however, no right to any part of the produce of the land, nor to any property, as against their master; and if he is angry with them, he sometimes takes every thing from them.

The Rajah of Durbhunga has a great many slaves; many free people of the castes specified are in the habit of applying to be put on his list of slaves; their object is to obtain the offices of gomasthas and tehsildars.

I know of no test of Hindoo law which gives the slave a right to sustenance from his master, but all masters do maintain their old and infirm slaves; and I think, as this is the established custom, a court of justice would decree maintenance to a slave if it were refused. But I know no case in which the question has been brought before a court; indeed, slaves are generally more favoured than other servants.

The practice of self-sale is now frequent; the transaction is recorded by an instrument called param bhatarak. The price in these cases is the absolute property of the slave, and descends to his heirs; which is also the case with all property of which the slave may have been possessed previous to the sale.

The sale of free children by their parents only takes place in cases of great distress, and would

would be invalid in other circumstances by Hindoo law; only the castes above-mentioned sell themselves or their children.

My paternal grandfather died, leaving five sons. They divided the property, and among other things eight families of slaves. One of my uncles died, and his slaves fearing that they would be shared among the other brothers, and that their families would thus be separated, fled away to Dehampore in Purneah, which is on the estate of the Durbhunga Rajah. My eldest uncle, the head of the family, went after them to induce them to return; they agreed to do so, but the head of the family dying at that time, they did not come back. The death of this uncle took place about 30 years ago; and since that time, my other uncles, my father, and elder brother, have written occasionally to the Rajah's manager to claim the slaves. We have sent messages, and they answer, "We will come." We have never sued for them, because it would be expensive; and the courts do not favour the claims of masters, to slaves; and another difficulty exists in this, that we are a numerous body of kinsmen, having a joint undivided claim on several families of slaves.

Those of the slaves who have acquired no property, say they are ready to return; but those who have made acquisitions, refuse.

It would not be considered disreputable in us to take the acquisitions of these slaves, which by law belong to us.

I am one of an undivided family of four brothers. We have in our household 13 slaves; three who descended to us, and 10 whom we bought. Besides these, and besides those above-mentioned who went away to Dehampore, there are two families, consisting together of 10 or 12 individuals, who belong to us, my aunt, and my sister. They are settled on another part of the Durbhunga Rajah's estate; but they come to us whenever they are summoned to attend at festivals. We do not support them.

The chastisement of a slave ought to be the same as that of a son, that is, by the half rattan, or by tying him up by the hands. But it may be inferred from the power which the shasters recognize in the master to exact work, that he may punish the slave who refuses to work; and it is the duty of the ruling power to make the master and slave both perform their duties. One of our slaves ran away, and my brother applied to the magistrate to have him restored. This took place about 20 years ago; the magistrate issued orders to the darogahs, but the slave escaped into the Nepaul territory. The slave afterwards, on hearing that I was established in Calcutta, came and joined my household. My brother then wrote to inform me of his having run away, and to beg me to turn him away; but I kept him notwithstanding.

I do not know any case of manumission; but I have heard of manumissions where the slave had done something with which the master was much pleased. When a slave saves his master's life, he is *ipso facto* manumitted, according to the Hindoo law; and in such case, the slave is entitled to share in the master's property as a son.

Slaves are employed generally in menial offices, with the exception of cookery, which would be impure if performed by a slave. Poor persons who have no slaves, hire persons to do such work; but slaves are preferred by those who can afford to purchase them, because slaves have a permanent attachment to the family.

In general I think it is more economical to be served by slaves than by hired servants.

A master is in general more disposed to favour his slave than a hired labourer, from whom he generally exacts the full measure of work.

A severe master might oppress his slave in a way which a hired servant of the same caste would not submit to.

The slave has no right to any portion of his time.

A slave who does not work regularly for his master, but is only called upon to attend at festivals, or to do other occasional service, receives, when so called upon, the same rations as a free man and wages, but not so high as those of a free man.

No absolute slave has a right to purchase his freedom; but sometimes there is a stipulation for redemption in the contract of self-sale, or of the sale of a child.

I have never heard of a class of slaves called moollah zada. The Hindoo slaves of Mussulmans remain Hindoos.

By the shasters, property in slaves (or bipeds, as they are called) is treated with the same respect as immovable property, and is transferred with equal formality; consequently, no one buys without full inquiry; and in the conveyance all the particulars are recorded. When a slave is bought of a stranger, it is usual to require that some known person should become surety that the seller has a right to sell.

Perhaps one or two sixteenths of the whole population of these districts are slaves; but the great majority of the Kybert caste are slaves. Almost all respectable families have slaves, even those who are in a state of decay.

The same rites are observed at the marriage of slaves as of other Sudras, and the master is under a moral obligation to provide for the marriage of his slaves as of his children. The parents of a young slave are consulted as to the choice of a bride or bridegroom. Illegitimate children of a slave woman are slaves of the woman's master.

When two slaves of different masters intermarry, there is usually a stipulation between the two masters respecting the ownership of the children. Where there is no stipulation, the male children follow the father, the females the mother.

There is frequently a special stipulation respecting the ownership of the children depending upon the expenses of the marriage being all paid by one party, or some such cause.

If a free person of either sex marry a slave without stipulating for freedom with the master,

No. 2.
INDIA.

master, such person becomes a slave; but if such person stipulates for freedom, then the children are slaves or free according to their sex. I am stating the law as laid down in the shasters; but I have heard that the practice is conformable to it, though I do not know any case of my own knowledge.

If a male slave marry the slave of another master without his consent, such slave may nevertheless have access to his wife, but so as not to interfere with her service more than conjugal rights necessarily require.

The practice of pumwah shodee is known in the districts of which I speak.

The sale of slaves is very common, but it is becoming less so, because the leaning of the courts against slavery deters people from purchasing. The probability that the courts will not enforce the rights of the master has caused the price of slaves to fall considerably.

The present average price of a young girl is now from 25 rupees to 40, and it used to be from 50 to 60. The price of a young male of 18 or 20, is from 16 to 20 rupees, and was from 30 to 40.

It would be considered oppressive to sell a slave so as to place him beyond the reach of communication with people of his own class, or to separate families. The courts ought to interfere to prevent such sales.

There are no slaves adscript to the soil.

I know no instance in which slaves have been sold in execution of a decree, or for arrears of revenue or rent; but I see nothing illegal in such a proceeding.

I am not aware that slaves are ever hired out, but the interest of a debt is sometimes paid by the services of a slave, the slave remaining in the possession of the debtor, who continues to maintain the slave.

The mortgage of slaves is legal, but not much practised, not being convenient.

If a mortgaged slave die, the loss falls upon the mortgagor, and he must provide another slave; but if the death be occasioned by the fault of the mortgagee, then the loss falls upon him.

Sale for the purpose of prostitution is of course illegal, because a prostitute necessarily loses caste.

2 January 1839.

Hamid Russool, Vakeel of the Sudder Dewanny Adawlut, Calcutta.

I AM a native of Behar, district of Patna, pergunnah Sanda.

I am acquainted with other districts of Behar, viz. Ramghur, Behar Proper, Shahabud, and Tirhoot.

There are two classes of Hindoo slaves, Kahar and Kurmi. The Kahar are principally domestic slaves. Many of the Kurmi have separated themselves from their masters, owing to the decay of the master's family, and have established themselves as cultivators upon their own account. The right of the master to these slaves remains nevertheless, and may be asserted.

The slave generally returns to service when required; if he refuses, and a breach of the peace arises, and the case comes before the magistrate, he would, if he had no doubt about the slavery, pass an order for the delivery of the slave to the master. If he had a doubt, he would tell the master to bring his action in the civil court. I do not know any instance of this of my own knowledge, but I have heard of such instances.

I remember a case in zillah Behar, when one Afzul Ali, a Muslim, applied to the magistrate, and being referred to the civil court, brought a regular action in the zillah court against the slave (a girl), and Sulamut Ali, the person who was harbouring her. She got a decree, and the girl was restored to him.

The great majority of Kurmis are absolutely free. But, as far as I know, a free Kahar does not exist, though many have left their masters and are practically free; but these when claimed never pretend to be goorwa or unowned. They are sold by their owners, but never by any one else.

The sale of free children is rare; but in times of extreme distress, even Brahmins, Khetnees, and Synds, will sell their children. I have heard that this occurred in the great famine, in the Fusli year 1177. At present, only the lower classes sell their children when urged by distress.

The sale of high caste children is not considered valid in law; and I have heard, that the purchasers of such children in the great famine returned the children when they discovered that they were of high caste.

By strict Mahomedan law, no one can be a slave but a Cafir taken in battle: but by popular recognition, the sale of a Mahomedan child of the labouring classes is permitted. The law is evaded by framing the deed as a contract of hire for a long period. The same form is used in the sale of Hindoo, for in Behar the Mahomedan forms of contract and conveyance have been generally adopted.

The offspring of a person thus sold is free. My grandfather bought a female Kahar in this manner; she remained in our family as a slave till her death, but we have no right to her children. They did service in our family, and were supported by us, but they are free.

I have never known a contract of this sort in which any mention was made of future offspring, but I have known cases in which men have sold both themselves and their existing offspring by the same deed.

I have never heard of any importation of slaves into zillah Behar or Patna, and people do not buy slaves from unknown persons.

If a slave refuses to work, the master corrects him with a slap on the face or a rattan. If the slave is incorrigibly obstinate or vicious, he is turned away; this rarely happens. Slaves perform menial offices in the house, including cookery, when the master is a Mahomedan. Slaves are also employed in agriculture.

Manumission is rare, and not generally desired by the slave; but it sometimes happens that a master, anticipating from the evil disposition of his children that they will maltreat the slaves, manumits such of them as he has a regard for.

The slaves of great people frequently appear to possess property, but I suppose in law it is the property of the master. I know of no case in which the right to such property has been disputed between master and slave.

A master has no right to exact from his slaves offices which are unsuitable to his caste, and I presume the slave would be protected in refusing to perform such offices.

The Mahomedan master has a right to exact the embraces of his female unmarried slave of the same religion, but not of a Hindoo slave.

If a slave so subjected to the embraces of her master has a child by him, she is called unmul wuld (the mother of offspring), and becomes free; the offspring inherit as legitimate children.

Slaves are not entitled to any time to work for themselves.

A slave who is separated from his master is entitled to food and clothing, if called upon for some occasional service, and he also commonly receives a present.

I think, upon an average, that there is some economy, and certainly some comfort, in being served by slaves rather than free people, particularly female slaves. In the country female free servants are not to be procured. Both males and females of the lower classes think it derogatory to them to take menial service, and to the females in particular it is disreputable.

Slaves are frequently employed in offices of trust; they are generally more trusted than free servants.

A man who has sold himself into slavery, has no right to redeem himself without his master's consent.

Nor has the parent of a child which has been sold any right to redeem the child.

Syndhs* and Sheikhs†, and Pataus and Maliks‡, are the only Mahomedans who cannot be slaves according to the custom of the country.

* The descendants of the Prophet.

† The descendants of his companions.

‡ Descendants of persons who have received titles from the sovereigns.

A Mahomedan master employs a Hindoo slave in out-door work, and does not interfere with his religion.

The proportion of slaves in the above districts may perhaps be about five per cent.

All respectable families, whether Hindoo or Mahomedan, have slaves.

It rarely happens that a Hindoo slave is converted, and becomes moolla zada; I never saw one.

The same rites of marriage are observed among slaves as among free men, whether Hindoo or Mahomedan; and it is the duty of the master to provide a spouse for his slave, and to pay the expenses of the marriage.

In the absence of any special agreement, the master of the female slave is entitled to the offspring.

So also if the husband is a free man, and there be no special agreement.

It is not usual to make special agreements as to the distribution of the offspring.

I never heard of a free woman marrying a slave.

I am speaking of the slaves of Mussulman masters, whether such slaves be Mussulmans or Hindoos.

The husband of the slave woman has no right to remove his wife from her master's household, but he is entitled to have access to her.

Slaves are generally well treated; the old and infirm are entitled by law and justice to support and care; I have never heard of this right being enforced by application to a court.

Cruelty to a slave does not entitle him to emancipation, but the magistrate ought to interfere to prevent and to punish it.

The withholding of support, or the inability to give it, would authorize the magistrate to set the slave free.

It is thought disreputable to sell slaves, but not so to buy.

The price of a Hindoo slave girl is from 30 to 100 rupees; that of a young male from 25 to 40 rupees.

It is not usual to sell slaves to purchasers living at a great distance, nor to separate families.

According to usage a slave about to be sold is allowed to object to the purchaser, and to choose any other who is willing to pay the price, and the master ought to give the slave time in such a case to find a purchaser; if, however, the slave cannot find one, the transaction must proceed.

I know of no class of slaves who are adscript to the soil.

No. 2.
INDIA.

It is not the custom to sell slaves in execution of decrees, or for arrears of rent and revenue.

The practice of letting slaves to hire, or mortgaging them, does not occur in my country.

Procuresses sometimes kidnap children for the purpose of prostitution.

It would be disgraceful in a Mahomedan master to sell a girl for that purpose; it is also contrary to Mahomedan law.

12 January 1839.

R. H. Mytton, Esq. Magistrate of Sylhet.

I was three years in Sylhet as magistrate and collector.

Sylhet is under a ryotwary settlement, and every meerassadar has in his family one, two, or three slaves.

It is considered as a mark of distinction to possess slaves, and a man's slave is the last thing he will sell.

The number of registered meerassadars is a lakh and a quarter, but amongst them are many under purchasers who are of an inferior rank and station, and do not possess slaves, though they call themselves meerassadars.

I cannot say what is the number of registered meerassadars, for these reasons, it is extremely difficult to estimate, with any accuracy, the number of slaves.

It is not common to sell a slave against his own consent, nor to sell one to a person residing at a great distance.

Complaints have sometimes been made to me by mothers that their master was about to sell their infant children, so as to separate them; I mean children of an age to require parental care. In such cases I have interfered to prevent the master from doing so. I have never found it necessary to do more than issue an order. I doubt whether it would be legal to enforce such an order by punishment.

I never recollect a case of the separation of husband and wife coming before me.

The greater part of the whole population is Mussulman, and so is the greater part of the slave population.

I have never heard the term moolla zadar.

A great many Hindoo masters have Mussulman slaves, but very few Mussulman masters have Hindoo slaves.

The greater part of the poorer classes is Mussulman, and it is of course these classes who sell themselves and their children in times of scarcity. They do not object to selling themselves to Hindoo masters.

The slave population is principally employed in agriculture.

The condition of slaves differs very little from that of freemen of the same class.

I never heard of any slaves who are *adscripti glebae*.

I never heard of a case of manumission.

By law, I believe, the master is entitled to all the slave's earnings.

But in practice it is very common for slaves to possess property. Some are burkandazes, receiving government pay to their own use; some are holders of lands under their masters, and pay rent.

The master can by law compel his female slave to marry against her consent; indeed both slave and free children are generally married at an age at which they are incapable of giving consent.

Female slaves are frequently married to men whose possession it is to go about as the husbands of slaves. The object of this arrangement is, that the slave girl may remain in her master's house, and that all her children may belong to him.

These itinerant husbands receive a present at the marriage, and they are maintained while visiting their wives by the master.

The master is bound by law to maintain his old or infirm slave, and the general feeling would be strongly against the neglect of that obligation. I have never been called upon to enforce it as a magistrate.

I think there is no importation of slaves into Sylhet, nor do I think there is any exportation to foreign countries; but certainly, and particularly in years of scarcity, there is some exportation into the adjoining districts.

I think it would not be expedient to prevent this, inasmuch as to alleviate distress.

I do not think Regulation III. of 1832 applicable to such cases; because this is not importing from one province to another, and because under the circumstances under which it takes place, it cannot, I think, be called removal for purposes of traffic.

There is also a practice of inveigling slaves, principally women and children, away from their masters, carrying them away and selling them in the adjoining districts, especially in the pergunnah of Bickrampore, near Dacca, which is inhabited by respectable Hindoos, Brahmins, and Kayets, amongst whom there is a great demand for such slaves.

Whenever a case of this kind has come before me, I have always punished it as a theft, and I believe this has been the practice of my predecessors; I have had many such cases before me.

There

Original.

AND MEASURES TAKEN FOR ITS ABOLITION.

No. 2.

No. 2.
INDIA.

There are many persons who are legally slaves, and who may be reclaimed by their masters, but who are practically free, and living in residences of their own.

There are others who are in states intermediate between complete slavery and that which I have just described.

The usual way in which a man sells himself, is by a deed, purporting to lease his services for a long term, nearly a hundred years in general. The deed is called a khadagira pottah.

In India it is common to borrow money, the borrower mortgaging his services for a short term of years.

Cases have come before me where free female children have been sold for purposes of prostitution. I have always interfered to prevent the completion of such sales, and I think I have bound over the parents in recognizances not to sell the children.

I never heard of slaves being sold in satisfaction of a decree, or for arrears of revenue or rent.

Original.

15 January 1839.

Durb Singh Das, Oriah Missul Khan, in the Calcutta Court of Sudder Dewanny Adawlut.

I AM a native of pergunnah Cutteya, in the northern division of Cuttack.

Since 1819 I have held various official situations in that province, where I remained till November 1837, when I attained my present appointment in the Sudder.

There are two classes of persons in Cuttack who generally keep domestic slaves, Mussulmans and Kacts. The latter are subdivided into Myntia or Oriah Kait, the Bengale and Lalla or Western Kuits.

There are also some jajahs and zemindars, who are Kundaits, Rajpoots, and Ketrays, who keep such slaves, but no Brahmin does so.

Before the Mahratta invasion of Cuttack, the Rajah Pursallum Dheo prohibited Brahmins from keeping slaves. I do not know the reason of this prohibition, but since that time no Brahmin keeps a domestic slave.

The Byse also never keep domestic slaves; it is contrary to the principles of their caste.

The domestic slaves consist of such low castes as are considered pure.

The impure castes are employed exclusively in out-door work; all classes of people who can afford it keep this of slaves, and they are constantly sold from hand to hand.

The pure castes are, Chasa, Khundait, Gualah, Tunti, Agair, Bas Bania, Nursala.

The impure caste sare, Dhobee, Chumar, Ghoklia, Kyat or Kyburt, Raree, Pan, Kundra, Napit, Bhagti Hari and Dim.

All kinds of slaves are constantly sold, but according to popular recognition the consent of the slave is necessary.

This custom has arisen from a proclamation issued in 1824 by Mr. Robert Keir, who was commissioner of Cuttack.

A slave who was sold against his own consent ran away. The master used force to coerce him; he complained to the magistrate, who gave him no protection; he then appealed to the commissioner, who gave him his liberty, fined the purchaser, and issued the proclamation of which I have spoken.

The proclamation declared the sale of slaves illegal.

Since that time, I think in 1829 or 1830, a slave complained to Mr. Forrester, the magistrate, who declared a deed of sale of a slave to be unlawful, fined the purchaser, awarded costs from him to the slave, and referred the purchaser to the civil court to recover the price he had paid from the seller. This is the only case I remember since the proclamation. The effect of the proclamation has been, not to put an end to sales, but to prevent their taking place without the consent of the slave.

There are Mussulman slaves who are the illegitimate offspring of women of low caste, whether slaves or free women, by Mussulmans.

The offspring of a Mussulman and a low-caste woman, has no right to inherit from his father, unless the ceremony of marriage has been performed between his parents.

There are also Mussulman slaves, who have become so by conversion, having been bought from their parents or masters in childhood.

The origin of Hindoo slavery is, sale of free persons by themselves or their parents. People do not usually sell themselves or their children unless pressed by necessity. This kind of sale is not uncommon at the present day.

The purer classes of slaves are sometimes employed in out-door work as well as in-door. In such cases they work separately from the impure classes, by whom they would be contaminated. If a man of pure caste accidentally touches one of impure caste, he must purify himself by washing.

It is usual for people of impure caste, in going along the road, if they meet a man of pure caste who happens not to observe them, to give warning, saying, "Good Sir, I am of such or such a caste; you had better retire."

Formerly, the impure castes lived in separate villages, and gave way whenever they met a person of pure caste on the road; but since the country came under the Company's government, they have become more independent.

If a slave refuses to work, or otherwise misbehaves, the master corrects him by beating with the hand or a cane, or by tying him up for an hour or two.

No. 2.
INDIA

I never heard of a complaint being made by a slave to a magistrate of ill treatment.

Emancipation is not uncommon, when a master is much pleased with a slave. In that case, if the slave was purchased, the master gives him the deed of sale; if there is no such deed, the master executes a farigh khatte or release.

No time is allowed to the slave to work on his own account, and anything he may acquire belongs to his master.

The marriages of slaves take place with the same rites as those of free men of the same caste, and the expense is paid by the master. Upon the death of slaves of pure castes, the master also provides the funeral feast.

The usual practice is for the master to buy a husband or wife for his slave. But when a marriage takes place between the slaves of two different owners, the owners take the offspring alternately; and if the woman ceases to bear when the number of her offspring is uneven, the last child goes to one owner, he paying half its value to the other.

When such a marriage takes place with the consent of the woman's master, she goes to live with her husband, rendering only occasional service to her master. If it take place without his consent, he allows the husband to have access, but the children all belong to him, the woman's master.

I never heard of the intermarriage of a free person with a slave.

The low castes of which I have spoken are in three different conditions. They are either, 1st, free, or 2dly, actual slaves, or 3dly, persons who having been themselves slaves, or having sprung from slaves, can never escape the stigma of slavery, though they are in the enjoyment of liberty.

Persons in this last condition intermarry with actual slaves, but only when they can purchase them from their masters.

I never heard of byakaras or punwa shade.

Slaves are generally well treated; their condition is equal to that of hired labourers.

The master is bound to maintain his old or infirm slave; and I presume the slave might obtain a decree for maintenance in the civil court.

The master may exact any service which is not derogatory from his caste. It would be derogatory to the pure castes to compel them to work with the impure, and would therefore be an act of oppression.

It is more economical to employ slaves than free men, both in doors and out of doors.

I am an owner of slaves; I have 50.

I give an adult male slave a seer of rice, half a chittack of salt, half a chittack of oil, and a quarter of a seer of dol, or a pice to buy vegetables.

I also give two pice a week for tobacco; two pice will purchase as much tobacco in Cuttack as four annas here.

I also allow them to cut firewood upon my ground; the usual allowance for firewood, when the slave is to purchase it, is half a pice a day.

I give four dhotis, two ungarkhas, one chuddar, and one blanket every year.

This is the usual allowance given to slaves.

They are provided with lodging.

They are trusted with the custody of money and other valuables, in preference to hired servants.

There is no redemption in the case of self-sale, or sale of children by their parents.

There is a class of persons who agree to serve as slaves for food. They can put an end to their servitude when they please; but the stigma still remains. These people differ from hired servants, in respect that they live upon the leavings of the master's table, which degrades them to the rank of slaves.

The children of such people, if born after the servitude commenced, are slaves for ever.

Such people can acquire no property during the continuance of the servitude.

Women become slaves in this way as well as men.

The proportion of slaves to freemen is as 6 to 10; a great zemindar will sometimes have 2,000 slaves. There are many such, Junmar Jay Chowdree and Baghwat Chowdree, and others. I dare say there are 200 or 250 who have as many.

I have been speaking only of the northern and central division of Cuttack. In the southern division there are but few slaves, and they are seldom sold. The great zemindars there employ freemen.

The southern and central divisions are the most flourishing parts of Cuttack.

Land is better cultivated by slaves than by freemen, for the slaves feel that they have an interest in the land.

I attribute the present depressed state of agriculture in North Cuttack to the late inundations of the sea; formerly, it was as well cultivated as the other two divisions.

The castes to which slaves of North and Central Cuttack belong exist in equal numbers in South Cuttack.

The price of a young male varies from 5 to 30 rupees; that of a young female is the same.

Slaves of the Gokha caste sell for more than other slaves, because the men are fishermen, and the women manage the buying and selling, and are very skilful, and their occupation is a productive one, both to the slave and the master. The Gokha is allowed to retain a large share of the produce, making over the remainder to his master. The Gokha females never sell for less than 50 rupees; the male sells for less, and I cannot tell the reason.

Generally, the pure castes bear a higher price than the impure, because they can be employed in domestic occupations.

A boy of five or six sells for one-fifth of the price of a young adult. The same of a girl. Before Mr. Keir's proclamation, the slave might be sold to a purchaser living at any distance, and the master was not considered to act oppressively.

But even in those times it was not usual to separate families.

There are no *adscripti glebae*.

It is common to borrow money upon a mortgage of slaves, but the slaves remain in the possession of the mortgagor.

It is not common to let slaves to hire.

The old form of self-sale was by a deed of sale, but since Mr. Keir's proclamation it is done by a lease of 60, 70 or 80 years, which is understood to include children born after the lease.

Sale for prostitution is illegal by the Shaster, and is considered immoral and disreputable, though it takes place sometimes.

I knew a case in which a judgment creditor included slaves in the schedule of his debtor's property, for the attachment and sale of which he moved the court. The debtor objected, and Mr. Pigou had the slaves struck out of the schedule, saying, they were not a fit subject for sale.

18 January 1839.

Koshi Nath Khan, Agent of the Rances of the late Rajah Bishen Nath, of Nator.

I AM a Brahmin.

I am a native of the village of Satteen, pergunnah Khatla, district of Rajshalie.

I am principally acquainted with the zillah of Rajshalie, but I have likewise some knowledge of the adjoining districts.

I possess two slaves, one is dead, and I have now but one.

Most of the respectable people in Rajshalie, both Hindoos and Mahomedans, have domestic slaves.

The Mahomedans have generally Mahomedan slaves.

The Hindoo slaves are of the Kybut, Kait, Julia, Malie, and generally of all the low castes.

There is no caste so low as to be incapable of slavery, but the lowest castes are not employed within doors.

The origin of slavery is self-sale, and sale by parents or other relations, in *loco parentis*; also of a wife by her husband. This sale does not dissolve the marriage. If the husband has access to her, the offspring will belong to the purchaser who is the owner of the soil.*

* This figurative expression has reference to a maxim of Hindoo law, according to which the female is considered as the soil, and the male as the seed.

These sales, which formerly sometimes took place in Rajshalie, were principally sales of slaves imported from Rungpore and Mymensing. (The sale of slaves domiciled in Rajshalie, has always been uncommon.)

But about 20 years ago, a person was detected in having bought a boy of 10 years old, and sacrificed him to the Goddess Kali. He was tried, convicted of murder, and executed. This case occurred in Rungpore, but in consequence of it, a proclamation was issued by order of the Nizamut Adawlut, in Rajshalie and other adjoining districts, prohibiting the sale of slaves in the market. The people supposed that the prohibition was extended to all sales, and in consequence of this understanding, though private sales still take place, yet it is no longer the custom to register them, as it was before the proclamation, in the zillah or the pergunnah cazee's office.

Formerly, slaves were imported from Rungpore and Mymensing by itinerant dealers. That traffic has ceased, and now when a person in Rajshalie wishes to buy slaves he must either go or send, or write to those districts, and has some difficulty in finding slaves for sale.

The slaves may be about two or three sixteenths of the whole population.

Some of the agricultural slaves are fed by their masters, but others cultivate for themselves land which their masters have allotted to them, cultivating at the same time the master's land. In this case, the master supplies cattle and implements of husbandry.

Self-sale does not now occur in Rajshalie. I believe it has ceased in consequence of the proclamation which I have mentioned, and of the inclination of the courts in favour of freedom.

A self-sold slave may be purchased in Rungpore and Mymensing, but such a slave will probably be told that if he runs away, the courts will not restore him to his master.

Refractory slaves are coerced by threats, and beating with the hand or a stick. But this consequence often follows, that some other person who wishes to seduce the slave, tells him that if he complains to the magisrate, he will be liberated, and a master, therefore, very seldom beats his slave.

There are no *adscripti glebae*.

• But if an estate is cultivated by slaves, no one would purchase the estate without the slaves.

There are many estates in Mymensing, in which the greater part of the cultivators are slaves, and there are some such estates in Rajshalie.

No. 2.
INDIA.

I can mention in particular the estate of Luslikurpore; a portion of that estate has been sold for arrears of revenue, the slave cultivators were not sold with the land, and I consider them to be still the property of the old zemindar; but practically they are free ryots, paying rent to the new zemindar.

When slaves are sold with the land, it is usual to have separate bills of sale for the land and the slaves.

I have heard of but one instance of manumission.

The slave cannot hold any property against his master.

Slaves are married with the same rites as free persons of the same caste.

It is the moral duty of the master to provide for the marriage of his male and female slaves. Sometimes the master will buy a wife for his male slave, sometimes he will marry him to the daughter of a free man, who consents to make his daughter a slave to obtain the favour of the master. The slavery of the bridegroom is not considered derogatory to the creole's family, she being still admitted to communion with her family.

Sometimes the master will buy a husband for his female slave. In other cases he marries her to a byakara, who visits her occasionally, she remaining in her master's house. The byakara has generally several wives of this kind, and visits them in succession. Sometimes this kind of marriage is intended only as a screen to conceal the intimacy of the master with his female slave.

The offspring of a byakara, whether he be free or a slave, belongs to the masters of his wives respectively.

It is not usual for the husband and wife to be slaves of different masters, on account of the inconvenience; but if a slave of one master marries the slave of another without his consent, the offspring belongs to him. If such a marriage were to take place with his consent, there would be a stipulation as to the division of the offspring.

Slaves are in general well treated; a respectable master will treat his domestic slave as a child. Less kindness is felt for the slave who does not live in his master's house; but he is treated in the same way as a hired labourer.

There is more satisfaction in having domestic services performed by slaves than by hired servants, because they are more trustworthy; but I think the expense is about the same.

The same may be said of out-door slaves.

The slave has a right to maintenance from his master in age and sickness, and the courts would enforce the right.

According to the Shaster, the master would be punished for ill using his slave, but the slave would not be liberated. Now, however, I believe the courts would liberate the slave.

In Mynensingh and Rungpore, masters let their slaves to hire, particularly females, but not in Rajshalie. The hiring is generally for short periods, from two to six months.

There are two modes in which slaves are mortgaged: one when the mortgagee has possession of the slave whose services discharge the interest; the other when the possession remains with the mortgagor, and the security of the creditor depends upon the deed only.

Slaves are transferred by an absolute bill of sale.

I know no instance in which slaves have been sold in execution of a decree, or for arrears of rent or revenue.

There is no redemption in the case of self-sale, or sale by a parent.

As far as I have observed, it is not usual to separate husband and wife, or young children from their parents; but the master has certainly a right to sell his slave to whom he pleases, without his consent. But the ruling power ought to restrain him in any oppressive exercise of that right.

22 January 1839.

Henry Ricketts, Esq. Commissioner of Revenue and Circuit.—19th Division.

I HAVE been employed in the districts of Cuttack in the Political, Judicial, Revenue, and Salt Departments, since the year 1827.

Slavery prevails in all parts of Cuttack, but more particularly in the chukla of Budruk, in the northern division, and in the chukla of Jebazpore, in the central division of the district.

Slaves are kept by all classes of persons, and are employed chiefly in out-door work.

The slaves are principally, Pans, Kundras, Chasas, and Gowalahs.

The Pans and Kundras are impure castes, and cannot be employed in any services by which their masters might be polluted.

There are also Mussulman slaves.

In 1829 or 1830, in consequence of the prevalence of decoity in the chukla of Budruk, and the impression that the slaves were chiefly concerned in those atrocities, I took a census of the slave population of that portion of the district, and found it to amount, to the best of my recollection, to about 11,000; and in 1831 or 1832, I took a census of the whole population of Belasore, including the chukla of Budruk, and found it to be 500,000. The official returns of this census are deposited in the magistrate's office.

I do not know how slavery originated in Cuttack, but accessions are continually made by the self-sale of adults, and the sale of children by their parents in time of distress.

I believe

I believe the Mussulman slaves bear a less proportion to the free Mahomedan population than the Hindoo slaves bear to the free Hindoo population.

A deed of sale is the form of document used in cases of self-sale, and the sale of children; and these writings purport to convey the parties sold; and their descendants, in full property for ever. The civil courts so far recognize these sales as to admit the deeds in evidence for the purpose of deciding on the titles of parties claiming the proprietary right in the slaves, but the slaves themselves are never parties to such suits. I recollect no suit instituted by a master against a slave, or *vice versa*, founded on a deed of this description, and I cannot say therefore what the result would be; but I should not myself enforce such a deed, on the principle that slavery is not recognized by any of our regulations.

I was for seven or eight years magistrate of the northern division of Cuttack, and during that period several complaints were preferred to me by masters, regarding the non-attendance of their slaves, but I never interfered to assist in coercing the latter; and I believe it to be the general practice of the magistrates in Cuttack not to recognize the right of the master to punish or coerce his slave. I know not how this practice originated; I never heard of any proclamation issued by Mr. Keir, when commissioner of Cuttack, on the subject of slavery.

I am not aware what measures masters resort to for the purpose of enforcing the services of their slaves. My impression is, that one or two cases have occurred of slaves complaining against their masters for maltreatment, but I have no distinct recollection of them; such complaints are exceedingly rare.

As a magistrate, I would not recognize the relation of master and slave as justifying any act on the part of the master which would otherwise be an offence; not even an act of slight correction or restraint of the slave.

I do not know whether slaves are ever manumitted by their masters; my impression is, that slaves do occasionally purchase their liberty, but I cannot call to mind any particular instance.

The slaves do not enjoy the privilege of working during any portion of time for their own benefit; the masters have a right to their full labour.

I can give no information respecting the marriages of slaves.

The slaves are generally well-treated, and their condition is equal to, if not better than that of the free agricultural labourers, particularly in a famine.

It is the usage of the country for masters to support their slaves under all circumstances, but suits are never preferred by slaves on this account, and I imagine that such suits would not be entertained by the courts.

Slaves are usually maintained by a daily allowance of food, and periodical supplies of clothing, but some have lands given them to cultivate, the master receiving half the produce, or such portion of it as may be especially agreed on.

Free persons sometimes mortgage themselves for a time, either on account of debt or for an advance of money; but I do not know for what periods such contracts are usually made, or the conditions of them; whether the services of the self-mortgagor go to the discharge of both principal and interest, or of interest only.

I believe that transfers of slaves from one owner to another are frequent, but that they are never made without the slave's consent.

I understand also that slaves are mortgaged by their masters as security for the payment of a debt, but in such cases the slaves continue in the possession of their owners.

I am not aware whether masters let their slaves to hire.

I know of no slaves *adscripti glebe*. Children are frequently sold by their parents for the purpose of prostitution; sometimes by kidnappers. There are female slaves attached to the Temple of Juggernaut, but I do not know if to other temples also.

I am not aware of slaves being sold by auction in satisfaction of decrees of courts, or for realizing arrears of revenue or rent.

I know of no persons being imported into or exported from the district of Cuttack as slaves.

Kidnapping is certainly not common, but a case of kidnapping of a child occurred a short time ago at Cuttack; for what purpose the child was taken I know not.

I remember only to have tried one suit whilst officiating as judge of Cuttack, in which the ownership in slaves was disputed, and I do not recollect the particulars of it.

25 January 1839.

Continuation of the DEPOSITION of Tek Loll, Moktar of the Sudder Dewanny, Calcutta.

MANUMISSION is rare, but sometimes it takes place when a master has a particular cause of satisfaction with a slave.

Upon occasion of funerals it is usual to give one or more slaves, amongst other presents, to the officiating brahmin.

In general, slaves are contented with their lot.

They can have no property as against their masters, but by his indulgence they frequently possess property.

Their marriages and funerals are attended with the same rites as those of free people of the same caste, and the master pays the expenses.

No. 2.
INDIA.

I have seven slaves.

One female slave accompanied my family from Behar to Calcutta, two years and a half ago, and is now living with us; two, one male and one female I bought here; the other four are left in my family house in Behar. They consist of a lad, a man who is married to the slave of another master, an unmarried girl, and a widow who has married a second time; the former we call saggai.

I bought two of these slaves, viz. the girl I mentioned and the lad, from their masters.

Two sold themselves to me, viz. the widow and the man who is married to another man's slave; he was a free man, though married to a slave.

Of the other three, I bought one girl of 11 years old from her maternal grandmother; another girl, very young, from her maternal uncle; and a boy of between four and five, from his maternal uncle.

* Note.—The question to which this is an answer was asked in consequence of our having observed a statement in the following words, in the collection of papers entitled *Slavery in India*, p. 5: "It seems that on the sale of a slave who separately procures his own subsistence, one-half of the price is received by the owner, the other half going to the parents of the slave."

* I know of no case in which the price of a slave is shared between the maternal relation and the owner.

The girl I bought from her grandmother has been married since we came to Calcutta. I married her to a slave who had left his master, and who followed me from Behar, and now lives in my family as a servant. He told me he was a slave, but never disclosed his master's name. I pay him wages. The marriage was performed at my expense.

I have only heard the prices of the slaves remaining in Behar from my brother.

The girl who was bought from her master cost 41 rupees.

The self-sold man, 26; of the other two I have forgotten the price.

Of those in Calcutta, the male who was bought from his maternal uncle in Calcutta, cost seven rupees.

The girl who is married to the runaway slave cost 11 rupees; she was bought in Behar.

The unmarried girl was bought for five rupees in Calcutta.

All the seven are Behar people of the Kuhar caste.

The maternal relations who sold the children to me, had settled in Calcutta, and were in distress. I do not know if the children were born here or in Behar.

It is a moral duty incumbent on the master to provide for the marriage of his slaves.

If my male slave marries the female slave of another, the progeny all belong to the owner of the woman.

The owner of the female to whom my slave in Behar is married, has assigned a house to which my slave goes at night after his work is over. They have children, who all belong to her master.

It is uncommon for slaves of different masters to intermarry.

It is not uncommon for a free Kuhar to marry a slave. Even if he were to marry a free woman, the children would be under her dominion, and not under his, according to the rules of the Kuhar caste, therefore he has less reluctance to marry a slave.

If a free girl marry a slave, which often happens, the children are free, as they follow her condition.

These customs belong to the Kurmi as well as the Kuhar caste.

Slaves are in general well treated. If they live in a separate house, they have rations; if in the house of their master, they have their portion of the food which is dressed for the family. They all receive clothing; usually two suits in the year.

The quantity of food is not fixed, but proportioned to the appetite of the slave when he lives in the house; but when he lives separate, and chooses to dress his own food, he receives a fixed allowance. An adult male would receive three seers of rice in the husk, or two seers of wheat unground, and in addition three quarters of sultoo, which is the meal made from inferior grain or pulse. This is more than he can consume, and he barter the surplus for salt, and other condiments.

He has no allowance of fuel, but must find it for himself.

He sometimes can get a little tobacco out of the surplus, but it is not enough to purchase pawn and betel.

It is considered that the slave has a right to support in sickness and age: I never knew it refused.

Extreme ill usage would not confer a right to emancipation, but the magistrate would punish the master in that case.

If the master had no occasion for any service from the able-bodied slave, he would tell him to go and earn his own livelihood, but without relinquishing his legal rights.

I do not know of any case of a slave being let to hire; but mortgages of slaves occur in two forms; that is to say, when the slave remains in the possession of the mortgagor, and when he is transferred to the mortgagee. In this latter case the mortgagee supports the slave, and has the benefit of his labour; which however does not, without special agreement, go to discharge the interest.

The children born during the mortgage belong in either case to the mortgagor.

I remember a case which occurred in Behar three or four years ago: A Suniasi claimed a man named Beetul, and several others, as his hereditary slaves; the case was decided in the plaintiff's favour by the Sudder Ameen, and the decision was confirmed by the zillah court.

I have

I have lived eight years in Calcutta; before that time, I lived for 22 years in the city of Patna, going occasionally to my family house.

Slaves are usually transferred by a bill of sale, called *puttra*. There are two ways in which the sale of slaves (whether self-sale or sale by a master) takes place. One is when the price is settled between the parties; in the other the price is settled by a committee of arbitrators, who fix the price after a personal examination of the slave. If the slave about to be sold is a pregnant woman, and the future offspring is sold with her, the price is greater than it would be if the woman were sold alone.

A *Kuhar* could not be required to perform the work of a sweeper, but sometimes he will do such work if his master is ill.

There are some slaves who live, with their master's consent, on the lands of other persons, and perform no service for their masters, except attending at festivals when they receive food.

It is more economical to have labour performed by slaves than by freemen; slaves show more zeal in the service of their masters.

The females belonging to Hindoo families in poor circumstances have no objection to hire themselves as servants.

It is common to commit the custody of valuable things in the house to slaves, but not to employ them in zemindary offices.

The sale of children is very frequent in times of scarcity.

Their relations who sold them have no right of redemption.

When a man agrees to serve for food, he can hardly be called a slave; his children are not affected by the contract.

When a Mahomedan buys a Hindoo slave, he does not usually make a convert of him.

Self-mortgage sometimes occurs, and is subject to the same rules as the mortgages of which I have spoken.

This kind of contract does not affect the children.

I never heard of a *byakara*.

The transfer of slaves is very common, but people of consideration think it derogatory to sell these slaves, and, when in reduced circumstances, prefer to let their slaves go and earn their own livelihood.

It is lawful and not discreditable for a master to sell his slaves to purchasers living at a distance, and to separate families; but such cases are rare.

It is usual for the master, after he has fixed the price of his slave, to allow him to select any purchaser who is willing to give that price.

There are no *adscripti glebe* in Behar.

Slaves have frequently been sold in execution of decrees by order of the courts in Behar, Patna, and Shahabad, but I cannot tell whether this is still done.

They are not, I believe, sold for arrears of rent or revenue.

Procuresses do obtain female children for purposes of prostitution.

There are no dancing-girls attached to the temples in Behar.

Slaves are divided among the family, like any other part of the inheritance.

29 January 1839.

Ram Crishna Palnai and Mahamti or Oriah Kait.

I AM a native of village Bir Muk Runder Pow, pergunnah Sacai, near Pooree, in the southern division of Cuttack.

I am mooktear by occupation. I have lived all my life in Cuttack, and have only been two months in Calcutta. I am the owner of six villages; I have no slaves of my own; my lands are cultivated by free people. There are *slands* in Central and South Cuttack. They are the children or descendants of men of high caste, except Brahmins, and of Mussulmans, by concubines of inferior classes.

Among the lower castes self-sale, and the sale of children in times of scarcity, are also origins of slavery.

The pure castes are, Chasa, Gurala, Khundait, Soodra (proper), Goorea (confectioner), Burree (carpenter), Loohar, Bus Bunnia (seller of pieces), Napit.

The impure are, Teelee, Kyburt-Rare, Gold, Tanta, Rungree (dyer), Chumar, Gokha, Khundra, Baslee, Pan, Haree Dorn, Bagdee.

The Brahmins do not own domestic slaves, but they have slaves for out-door work.

The impure castes are employed exclusively in out-door work; the pure are employed in both out-door and in-door work.

Sales of slaves are not common.

Those slaves who are the spurious kindred of their masters are never sold; the others not very often.

The sale is invalid without the consent of the slave. This is the local usage of the country. I have heard of a proclamation of Mr. Keir, which prohibited the sale of slaves.

The consent of the slave is necessary, by the old local usage, independently of the proclamation.

Original.

No. 2.
INDIA.

The spurious offspring of a Mussulman by a woman of low caste would not be a slave; I do not know whether he would inherit.

I never heard of any class of slaves in Cuttack called moolta zada.

There are some classes so very impure, that it is necessary to wash after accidentally coming in contact with them. If one of these see a man of respectability coming towards him, he either gives way or gives warning, that the men of good caste may avoid the pollution.

If a slave of pure caste is disobedient, it is usual to correct him by slaps with the hand; but the course with a slave of impure caste is to complain to the darogah, who will admonish him; he may also be corrected by causing another impure man to beat him.

I never heard of an instance of emancipation; the slaves do not in general desire it.

It sometimes happens that a master in deranged circumstances will tell his slave to go and earn his own livelihood.

In this case it is not usual for the master to receive any of the slave's earnings unless the slave should be his child.

The master does not, by this proceeding relinquish his legal rights, though sometimes the slave becomes practically free. But this does not frequently happen.

I never heard of a slave being let to hire.

No time is allowed to the slave to work on his own account.

Slaves are married with the same rites as free people of the same caste, and their funerals are performed in the same way.

Sometimes a master will marry two of his slaves to each other; sometimes he will purchase a husband or wife for his slave, and sometimes he will marry them to the slaves of other masters.

Free people do not intermarry with slaves, except those people who, though not belonging to any owner, have the taint of slavery in their blood. These people marry slaves without loss of consideration.

When I speak of buying a husband or wife, I do not mean buying them from another master, for it is not usual for masters to sell their slaves. I mean the purchase of a man from himself, or of a girl from her parents.

The *max* in which regulates the local usage is that the seed is more worthy than the soil in the distribution of the offspring, and therefore if a free man marries my slave girl, with or without my consent, the offspring is his.

It is not usual upon the marriage of slaves to make any special agreement respecting the ownership of the offspring.

If I consent to the marriage of my female slave with a free man or with the slave of another master, she ceases to be my slave. In the first case she becomes free, in the last she becomes the slave of the husband's master.

The condition of slaves is harder than that of free labourers. Their work is harder, their fare and clothing are worse, and they are sometimes beaten.

When I said the slaves do not desire emancipation, I mean that they look upon it as unattainable, and therefore do not think about it.

The slave is entitled to maintenance from his master in age and infirmity, and I think that Mr. Wilkinson, formerly collector and magistrate of Cuttack, enforced this right in a case which was brought before him.

It is not usual to exact the lowest offices from slaves of pure caste, but if the master insist, the slave must obey. The slaves of impure caste perform the lowest offices.

The labour of slaves is more economical than that of free labourers.

If I could obtain slaves I should cultivate my villages by means of them, but they are not to be had, and I should also employ them for domestic purposes.

There is no redemption in the case of self-sale or sale by parents.

The proportion of slaves (meaning by the term all who have the stigma of slavery) to free men, is as 6 to 10; one part out of the six is in actual slavery, the other five practically free: I am speaking only of Southern Cuttack.

Southern Cuttack is more thickly peopled, and more cultivated, than the other divisions. The people are more industrious; this has always been the case.

The purchase of children by procuresses for prostitution takes place. The children are sometimes kidnapped, and sometimes bought from their mothers.

I remember that Mr. Wilkinson punished a man with eight months' imprisonment for selling a child he had kidnapped.

Slaves are never sold in execution of decrees, or for arrears of rent or revenue.

There are 50 or 60 families of slaves belonging to the Temple of Juggernaut. The males of these families are not married to the females, but live with them in a state of concubinage. The members of this college of devadasis, or slaves of the god, is kept up by their own progeny, and no additions to their numbers from without is permitted.

There is no other temple in Cuttack, that of Rogenat, which has a similar establishment.

Original.
Original.

HINDU SLAVERY

In the technical language of Hindu law the *Susrushaka*, or person owing service (*susrusha*) is fivefold: the pupil (*sishya*), the apprentice (*antwasi*), the hireling (*chrittaka*), the overseer (*adhikarma krit*), and the slave (*dasa*). Breach of obedience due, is one of the 18 titles of law. The four first are denominated servants (*karmakara*) and are liable to pure work.

Narada, *vide*
Digest, B. III.
c. 1, v. 3.

Narada, Digest,
B. III. c. 1, v. 26.

Narada, Digest,
B. III. c. 1, v. 29.

2. There are 15 descriptions of slaves enumerated by Narada, who are said to be liable to impure work: 1, The house-born (*grihajata*) one born in the house of a female slave; 2, the bought (*krita*); 3, the obtained (*labdha*); 4, the inherited (*daya dupagata*); 5, the self-sold; 6, the captive in war; 7, the apostate from religious mendicancy or asceticism; 8, the maintained in a famine (*arrakala chritta*); 9, the pledged by his owner; 10, the slave for a debt, who submits to slavery for discharge from debt; 11, the won in a stake (*panejita*), one who is overcome in a contest, one who had agreed to submit to slavery in that event; 12, the self-offered with the words "I am thine;" 13, the constituted (*krita*), for a stipulated time, 14, the slave for his food (*bhakta das*); 15, the slave for his bride (*badava krita*).

3. The *labdha*, or obtained slave, is described in the *Mitakshara* as obtained by acceptance and the like. Mr. Colebrooke has rendered the term "received by donation," the author of the Digest in his comment says "by acceptance of donation; and the like." If not included in this denomination, the female slave acquired by her marriage to a man's slave is a 16th class. According to a text of *Katyayana*, and its comment in the *Vevada Chintamain*, she may be either a free woman or slave of another, if he has assented to her marriage. Another instance which may perhaps be included in the *labdha*, is below noticed (p. 9).

Digest, B. III.
c. 1, v. 55.

4. The free man in the last eight instances must consent to slavery. The maintained in a famine is described by the author of the *Mitakshara*, as "preserved from death for slavery." The apostate becomes the king's slave, if he fail in performing atonement. The author of the Digest says that the captive in war must also assent to slavery to save his life; but in the *Mitakshara* his assent is not implied.

5. *Menu* enumerates seven slaves; the captive, the slave for his food, the bought, the house-born, the given, the paternal, and the penal (*danda dasa*), explained to be one consenting to slavery, to discharge a fine and the like. The author of the *Mitakshara* says that this enumeration is not exclusive of other descriptions of slaves, which opinion the author of the Digest adopts.

Menu, c. 8,
v. 415, cited in
Digest, B. III.
c. 1, v. 33.

6. Any person bound to obedience, is only bound to render service suitable to his class, according to which also is he to be treated. In the Digest, B. III. cap. 1, s. 1, v. 7, the verse of Narada which implies this position is not rendered according to the comment, and the more obvious sense of the text; but it is said generally, that all slaves are to perform the lowest offices.

7. By the old law, in the direct order of the classes, a Brahmin might have a wife of each of the three classes inferior to himself; a Kshatriya, one of both of his two inferior classes; and a Vaisya a Sudra wife. On the same principle servitude is said to be in the direct order of the classes; the superior cannot be the slave of the inferior, but an equal may be of an equal.

Digest, B. III.
c. 1, v. 56, 57, 58

8. But the Brahmin is not liable to slavery. The apostate is stated generally, to be the slave of the king in the *Mitakshara*, which does not cite the text of *Katyayana* in which it is said the apostate Brahmin is to be banished. The rule of slavery in the direct order of the classes does not apply to the apostate, slave. According to the author of the Digest, a Kshatriya and Vaisya apostate may, if he assent, serve an inferior Hindu slave.

Digest, B. III.
c. 1, v. 30.

Idem, v. 56.

9. In treatises of adoption, an extract, imputed to the *Kaleka Purana* (though of doubtful authenticity) is prominently cited. (See translation of the *Dattaka Mimansa*, s. 4, p. 22, and *Mitakshara* on "Inheritance," cap. 11, s. 1, p. 13.) It has a passage which declares that adopted sons duly initiated may be considered as sons "else they are termed slaves." The author of the Digest, commenting on the words "bought" and "received" in Narada's description of slaves, observes that they may mean also boys purchased or received for adoption, but who have become slaves through some failure in the form; and he adds, that they become slaves independent of consent; and he is not shaken

Book III. c. 1,
comment on v. 27.

No. 2.
INDIA.

in his position, though it should be urged that thus a Brahmin might become a slave.

10. Sir T. Strange in his appendix to the 5th chapter of his *Hindu Law*, quotes a letter of Mr. Colebrooke on Hindu slavery generally, in which he discusses the peculiar point just referred to. Mr. Colebrooke quotes the elaborate exposition of the author of the *Dattaka Mimansa* (s. 4, p. 40, 41, 46), which is, in effect, that the informally-adopted falls to the condition of a slave if the adoption fail, from three causes: 1, excess of age; 2, rites omitted; 3, impossible from their prior performance. Mr. Colebrooke does not treat the construction of the author of the *Digest* with much respect, and adds, that but for the commentary of the author of the *Dattaka Mimansa*, he should consider the words in the passage of the *Kalika Purana* as figurative, and merely intended to declare the adoption void.

11. The author of the *Mitakshara*, in his comment on the *labdha*, or obtained slave, as already noticed, says by acceptance (*parigraha*) and the like. *Parigraha*, means also adoption, but if he contemplated the case of the informally-adopted, he would probably have been more explicit.

12. I think the first impression of Mr. Colebrooke, that the passage in the extract imputed to the *Kalika Purana*, is not to be construed literally, is correct; nor does the comment of Nanda Pundit appear to me opposed to this. He merely deduces from the text three predicaments, in which, in an informal adoption, the adopted are said "to be slaves," that is, do not acquire the filial relation.

*igest, idem, v. 2,
alf ver. omitted.)*

ir W. Jones has used servant in
s translation of this text, so also
sewhere, v. 415 in particular; but
fr. Colebrooke here substitutes
ave; *vide Dig. B. III. c. 1, v. 33.*

13. The power of moderate chastisement of slaves seems a necessary condition of the relation of master and slave. *Menu* (cap. 8, v. 299 and 300) declares that a wife, a son, a slave (*dasa*) a pupil and a younger brother may be chastised with a rope, a slip of bambu (*venudala*); they are to be beaten on the back part of their bodies. The person chastising contrary to this rule incurs the penalty of theft. The commentator, *Kalluka Bhatta*, says the chastisement is

for the sake of instruction, and that the bambu dala is a light sulaka slip or lath. A text of *Katayayana*, cited in the *Rutnakara*, is this "Corporal punishment (*tadana*), and binding, so also vexation (*vidambana*). These are the penalties of a slave; pecuniary fine is not ordained." The author of the *Rutnakara* explains that by corporal punishment is meant flagellation with a whip and the like; by vexation, tonsure, exposure on an ass and so forth.

igest, idem, v. 12.

idem, v. 12.

14. *Narada* declares that the pupil deserting his master may be corporally punished and confined; and *Gotama* says, "that for ignorance and incapacity he may be corrected with a small rope or cane." The *Rutnakara* commenting on another text of *Narada* enjoining the duty of the pupil, says that he is thus declared to be a servant.

idem, 10.

15. By another text of law the mutual litigation between husband and wife, teacher and pupil, father and son, master and servant, is not legal. The author of the *Digest* remarks, that this does not exclude special cases, and that the text implies that the teacher, and so forth, has the power of correction; and adds that if the pupil or the son violate his duty, and the teacher or father be weak and unable to correct him, it is consistent with common sense that he "should then apply to the king."

19.

16. *Narada* in his text has the words "*badha* and *bandha*" (binding); the former might mean death; and the author of the *Mitakshara* obviates that sense by declaring that corporal punishment (*tadana*) is meant "on account of the slightness of the fault." It is not important whether the mode of punishment indicated by "a rope" is tying up or stripes. It appears clear that the Hindu law recognises the power of the master to inflict moderate chastisement on his slave. He is, however, liable to punishment for abuse of that power.

*igest, B. III.
1, v. 51 and 52.*

idem, v. 54.

17. Can a slave own or earn property independent of his master? There are two nearly identical passages of *Narada* and *Menu* (chap. 7. 416.), on this subject, which declare that a wife, a slave, and a son, can have no exclusive property, and that their gains belong to their owner. A passage of *Katyayana* declares the dominion of the master over the slave's goods: "But the master has no right to the goods acquired by his favour or sale." According to one reading "by public sale." Another reading rejects the negative. The passage quoted is as it occurs in the printed copy of the *Chintamani*; the author of which

which says, whatever property is obtained by a slave by the favour of his master, and by self-sale, is the slave's property; the master is not entitled to it.

18. Kalluka Bhatta, commenting on the above text of Mani, says that it is to declare the independence of the wife and the rest, and he illustrates the case of Stridhan, as an instance of property in the wife. The author of the Digest, in his comment on these passages, seems of opinion, that the slave may have exclusive property; and in a prior passage he combats the objection that a slave maintained having no property, cannot repay his food, by asserting that he may, through affection possess property.

Digest, B. III.
c. 1, v. 43.

19. As a general position it appears, however, to me correct to say, that the goods and earnings of a slave belong to his master, the exceptions being the case on which the master has assured the slave's ownership, the proceeds of a self-sale, or any thing analogous.

20. By the preservation of his master's life from imminent danger a slave is not only emancipated, but entitled to inherit as a son; and if a female slave bear her master a son, according to a text of Katyayana both are entitled to liberty; but according to the explanation of the Prakasa Parijata, and other Maithila books, as noticed in the Chintamani and Digest, this must be only considered in the case where the master has no legitimate or adopted son.

Idem, v. 42.

Idem, v. 49.

21. Except by the preservation of his master's life and his will (and in the case of the female slave, by bearing him a son), there is no emancipation of the first five slaves enumerated in para. 2. This is distinctly stated by the author of the Mitakshara, who does not even allude to the text of Gotama favourable to the female slaves in the case premised.

Idem, v. 35.

22. According to the comments of Vignaniswara, on a very obscure text of Yajuya Walkya (which he declares applicable to the apprentice as well as sale). the slave maintained in a famine, and the slave for his food, are emancipated by relinquishing their support, and replacing what they have consumed from the commencement of their slavery. But the words of this text do not suggest this latter position.

Idem, v. 44.

23. Narada says, the first is released by giving a pair of oxen; for what he consumed in a famine is not discharged by labour: and he adds, that the second is released immediately on relinquishing his food. The author of the Rutnakara holds, that the slave fed in a famine obtains his liberty by relinquishment of food and gift of a pair of oxen. In this, the more obvious sense of the text, the author of the Digest concurs, noticing, however, that the author of the Vevada Chintamani holds that he must give the oxen in addition to what he has consumed.

Idem, v. 43.

24. According to the Chintamana and Digest, the slave for his food is released by relinquishing the same, and this appears the most reasonable doctrine. It does not seem unreasonable that he whose life was saved in famine should make some return besides his labour; but that he should give both a pair of oxen, and the value of his support, is hardly just, and probably not intended.

25. The debtor slave is released by liquidation of his debt with interest, according to Narada. The comment in the Mitakshara on the obscure text of Yajuya Walkya, already noticed, says that the debtor slave is discharged on repaying, with interest, his present creditor what he paid to redeem him from a former creditor. This seems the mention of a special instance by way of illustration.

Idem, v. 46.

26. The pledged slave reverts of course to his master who pledged him, if he redeem him from the mortgagee. This is declared by Narada. But an involved and obscure comment on the above obscure text of Yajuya Walkya in the Mitakshara, bears this construction, that the pledged slave is released on his paying the amount for which his master pledged him, with interest. It, however, hardly can have been meant that an owner, pledging his slave at an under-valuation, should give the slave the right of redemption at that under price.

Idem, v. 45.

Cited in Digest,
B. III. c. 1,
comment on v. 46.

27. The slave for his bride (literally, attracted by a female slave), is emancipated by separation, "because" (says the author of the Mitakshara), "it is prohibited to cohabit with a slave."

28. The slave for a term is, of course, emancipated by the lapse of the period. The captive, the stake won, and the self-offered are emancipated, according to Narada, cited in the Mitakshara, by finding a substitute equally capable of

Idem, v. 46.

Idem, v. 47.

labour,

Narāda, cited in the Vevada
Chintamani and Yajuya
Walkya, in the Mitakshara.

Idem, v. 40, 41.

labour, that is, according to Vevada Chintamani, "another slave." For the apostate, the only release is death. He is the slave of the king. Texts of Hindu law especially provide for the release of those enslaved by force, or by fraud of kidnappers, and the interference of the king is required.

29. It thus appears, that for the mass of slaves which fall within the first five classes, the law has given little hope of emancipation.

Digest, B. III.
c. 1, v. 36 and 38.

30. There are two texts of Menu which, if taken literally, abridge that hope: a Brahmin may compel any Sudra, though unbought, to render service of a slave (dasa) to him, for he was created to serve the Brahmin, and even the emancipated is not released from his servile state, which is natural and indelible. (Chap. 8, v. 413 and 414.)

It is mentioned by
him as a passage of
the Markandeya
Purana.

31. The commentator adds, "For spiritual purposes it is necessary that obedience be paid by a Sudra to the Brahmin, or other twice-born man. This is what is meant, else the subsequent enumeration of slaves would be nugatory;" that is, if a Sudra can never escape from servitude. The author of the Chintamani, commenting on the last of the two texts, states it is meant to express contempt of slaves, otherwise purchase and other causes of slavery would not be pertinent in regard to Sudras, nor would they be capable of manumission.

32. The author of the Digest has a long, and as usual, unsatisfactory comment on the above terrific texts. He denies that the Sudra was born a slave to all men, or becomes the slave of any one who takes him, but intimates that the relation of master and slave is indissoluble. Regarding the text, as applicable to the slave licensed, not enfranchised, he supposes the case where such slave undertakes the service of a second master. In that case he belongs to him, and may be coerced to do servile work without penalty incurred by the second master.

Digest, B. III.
c. 1, v. 60.

33. In one instance, the power of the master to sell seems limited. According to a text of Katyayana, cited in the Chintamani, a man, not urged by distress, who attempts to sell his female slave, who is obedient, and objects, is to be fined two panas. The text implies that the sale would be illegal.

34. The issue of a slave is a slave. This is implied by the definition of the house-born, and the position, that the free woman who marries a slave becomes a slave of her husband's master. If a man, without stipulation to the contrary, allowed his slave girl to marry a free man, it should follow that she would be released from her master. But if his assent were wanting, his property in her would remain undisturbed, and the offspring, on the general principle of the greater right of the owner of the soil, would be his. This principle is distinctly laid down in Menu, chap. 9, v. 48 and 55. But if some of the natives, examined by the Law Commission, are accurate, this rule, on defect of stipulation, does not seem always to be the local usage. One witness, a resident of Cuttack, says, the local usage is the converse of the legal rule, and others have stated that, in the absence of special agreement, the masters of slaves who have intermarried share the progeny.

35. The 8th of Mr. M'Naghten's Collection of Precedents on Slavery, has a construction of Hindu law resting on reasoning. If A. would sell his slave B. to C. for a fixed price, and by such sale a great grievance would be inflicted on B., as for instance, his removal to a distant country, then, in that case, if another purchaser at the same price offers, whether designated by B. or not, A. must sell to such other purchaser. The reason assigned is, that the master would suffer no loss. The present pundit of the Sudder Dewany Adawlut, Vendya Nath Misr, who gave this opinion, has been examined by the Law Commission, and states that it would be considered as oppressive to sell a slave so as to place him beyond the reach of communication with people of his own class, or to separate families; the courts ought to interfere to prevent such sales. There does not appear to be any legal authorities manifesting such tenderness for the slave; and if the pundit's doctrine is to be taken for law, it must be considered as resting on popular usage and feeling, to which is opposed any oppressive exercise of his power over his slave by a master.

(signed) J. C. C. Sutherland,
Secretary.

Calcutta, 1 February 1839.

AND MEASURES TAKEN FOR ITS ABOLITION.

1 February 1839.

No. 2.
INDIA.

It is proper to begin with a short statement of my motives for sending up this separate Minute with our Report.

The Law Commission recommended, that in the Penal Code, "no act falling under the definition of an offence should be exempted from punishment, because it is committed by a master against a slave." We are now called upon to say whether the law is not already in conformity with that recommendation in every part of British India, and if it is not, to prepare a draft of an Act which shall make it so. An opinion upon the expediency of the law is not asked from us; but the expediency of such a special law does not necessarily follow from the expediency of adopting the principle in a general code; and therefore, being called upon for a draft of such a special law, I think we are called upon by our position to express an opinion upon the question of expediency, if we have formed one. We have abstained from doing so in our Report for the reasons therein mentioned. I have formed an opinion upon this question, and so far as regards this presidency, an opinion which, I think, is very unlikely to be shaken by further inquiries, and I therefore take this mode of expressing it.

I shall first consider whether there is any reason to suppose that the proposed law will excite dissatisfaction in any such degree as ought to prevent its enactment.

For this purpose it is proper to consider what changes in the laws relating to slavery have already been made and acquiesced in.

Regulation X. of 1811 prohibited the importation of slaves from foreign countries.

Whether the prohibition is of importation of slaves generally, or only of importation of slaves for the purpose of sale, given away, or otherwise disposed of, is difficult to say, when the various high authorities who have held contrary opinions upon the point are considered.

The honourable Court of Directors, on the 26th April 1820, held, that the regulation prohibited importation generally. The contrary doctrine, however, seems to have been acted upon both before and since. The Regulation IV. of 1832 prohibits the removal of slaves for the purpose of traffic from one province to another within this presidency.

These are the only two general laws made by the legislature which interfere with the rights of masters; but there are several cases in which local authorities have legislated with that effect by proclamation, and others in which the people have believed that legislation of that kind had taken place, which are deserving of notice.

The two regulations regarding *Kisas*, cited in our Report for a different purpose, are hardly worth noticing, with a view to my present purpose.

In the year 1812 Sir C. Metcalfe, then resident at Delhi, issued a proclamation prohibiting absolutely the sale of slaves. The Government doubted the expediency of this proclamation in respect of this prohibition, and in another respect also, because the law in the territory of Delhi would thereby become different from what it was in the rest of British India. A correspondence ensued, in the course of which Sir C. Metcalfe says, in a letter dated 3d January 1813, "I do not find that the prohibition of the sale of slaves has occasioned any surprise at this place. It is considered to be merely the extension to this territory of the orders promulgated in other parts of the British dominions; and from a general misunderstanding of the orders of Government issued elsewhere on this subject, it is not known that greater restrictions are in force in this district at the present moment than in any other part of the country. It is desirable, in my humble opinion, that this delusion should not be done away, either here or elsewhere, by a formal sanction for the sale of slaves."

Slavery in India,
101, *et seq.*

In a letter dated 16th April 1813, Sir C. Metcalfe says, in explanation of the passage just cited, "It was my intention to intimate that the prohibition of the sale within this territory had not occasioned any surprise, it being generally conceived that the same prohibition previously existed in all other parts of the British dominions. The prohibition of the traffic in slaves, whether it be announced in a prohibition of the sale, or a prohibition of the importation, must undoubtedly occasion a certain degree of dissatisfaction; but it is amongst the worse orders of the community, amongst the professed dealers in human flesh, whose abominable livelihood is affected by the abolition, and amongst that detestable class of wretches who bring up slave-girls from the earliest age for public prostitution. The respectable orders of society, though they may experience

some

No. 2.
INDIA.

some inconvenience from the privation, acknowledge the humanity and propriety of the prohibition."

The consequence was, that the prohibition was allowed to continue in the proclamation which was substituted for the one above-mentioned; the 2d article of the substituted proclamation being as follows: "The sale and purchase of slaves in the territory of Delhi are also strictly prohibited, and any person who shall buy or sell, or shall be concerned in buying or selling one or more slaves, shall be liable to be punished by the court of criminal judicature."

The final result is very extraordinary and very illustrative. The proclamation, and all distinct recollection of its contents, appear to have perished at Delhi. But in its place there subsists a belief that Sir C. Metcalfe abolished, not the sale of slaves, but slavery itself.

The commissioner of Delhi says, in his answer to the questions of the Law Commissioners, "Since the promulgation in this territory of the law prohibiting slavery, we have not even recognized possession as a claim, and I do not at this present moment recollect any instance of a male slave petitioning for emancipation. I have known very many applications from the unfortunate class of females purchased for the purposes of prostitution, and in every case the applicants were absolved from any further compulsory servitude, the mistress being referred to the civil court to obtain compensation for any expense incurred for food, clothing, jewels, &c."

The judge of Delhi says, "About the year 1811, some orders on the subject of slavery were issued by the then chief authority at Delhi. The precise nature of these orders I am now unable to state, a copy of them not being procurable; but I have reason to believe that they went far to remove all invidious distinctions between master and slave, and that the courts in the Delhi territory, which have probably been guided in their decisions by the orders in question, have not for many years, so far as I am aware, recognized any right or immunity beyond that of service, to attach to the one which did not in an equal degree belong to the other."

The officiating session judge of Cawnpore says, "The reason why such cases have never come before me, is principally that my experience since 1833 has been wholly confined to the Delhi territory, where, for a long time the name of slavery only has existed; its reality has been long extinct." "Having been, before my appointment to Delhi, for eight years in South Behar, where I have myself, as register and civil judge, daily decided cases of purchase of whole families of predial slaves, or Kauhars, I was astonished to find that slavery was not recognised at Delhi. I was informed that since Mr. Seton's time no claim to a slave, or to compel slaves to work, has been allowed, and I found the established practice of the court, that whenever a person petitioned that another person had claimed him or her as a slave, an ayadnana, or certificate of freedom, was given him or her, to the effect that they were free. I gladly hailed this custom, but I pursued another course, which I deemed more effectual. It struck me that issuing these ayadnanas or certificates was, to a certain extent, allowing the existence of slavery in some sort or other. When similar applications were made to me, I used merely to pass an order that slavery did not exist, and informed the petitioner that if any person molested him or her, he should be punished."

The additional judge of Burdwan says, in his answer to the questions of the Law Commission, "In this district the impression amongst the natives is almost universal, that the existing laws prohibit the purchasing of slaves; and though this is not in reality the case, still all that now remains of the traffic in slaves is the occasional purchase of a few children, who are offered for sale in times of great scarcity."

The officiating magistrate of Hooghly, after stating a case from the records of his office, in which two slave-girls, who had been abstracted from their master's house, were made over to him, though they alleged that they had met with constant maltreatment in his house, adds, "It would not, however, be fair to judge of the practice of the court from one isolated instance. The idea that the natives in general entertain of what is likely to be the decision of our courts in cases of slavery is widely different. I am informed by the old inhabitants of the place that, under the Dutch government, which encouraged slavery, an immense number of persons of that class were to be found in Chinsurah; but finding, after the cession, that their new rulers looked with a cold eye upon the right of pro-

Mr. Seton was
Sir C. Metcalfe's
immediate pre-
decessor.

perty which the master asserted in the slave, they had generally shaken off their fetters and gone abroad as freemen. So strong indeed was the opinion of our disinclination to uphold slavery, that I cannot learn that any one ever came forward to reclaim his runaway bondman. Such is still, I have reason to believe, the prevailing idea on this subject of the inhabitants of the district at large."

The joint magistrate of Bograh concludes his answer thus: "I would beg to remark that the prevailing idea amongst the natives now is, that slavery has been long since abolished, and the system has to all intents and purposes ceased."

Since the general subject of slavery was referred to us, on the 5th November last, we have examined as many native witnesses conversant with it as we could find in Calcutta. One of these, Durbl Singh Das, Oriah Missul Khan, speaking of his country, North Cuttack, states as follows: "All kinds of slaves are constantly sold; but, according to popular recognition, the consent of the slave is necessary. This custom has arisen from a proclamation issued in 1824 by Mr. Robert Keir, who was commissioner of Cuttack.

It is right to mention that another native witness considers this to be a local custom of Cuttack, existing before the proclamation of Mr. Keir.

A slave who was sold against his consent ran away. The master used force to coerce him. He complained to the magistrate, who gave him no protection; he then appealed to the commissioner, who gave him his liberty, fined the purchaser, and issued the proclamation of which I have spoken. The proclamation declared the sale of slaves illegal. Since that time, I think in 1829 or 1830, a slave complained to Mr. Foster, the magistrate, who declared a deed of sale to be unlawful, fined the purchaser, awarded costs from him to the slave, and referred the purchaser to the civil courts to recover the price he had paid from the seller. This is the only case I remember since the proclamation. The effect of the proclamation has been, not to put an end to sales, but to prevent their taking place without the consent of the slave.

These instances all point to the conclusion, that the respectable and influential portion of the native community may be expected to yield a ready obedience to any commands of the ruling power, having for their object the protection of slaves from oppression.

I have been careful, in setting forth these instances, to confine myself entirely to statements of fact, and I have therefore omitted some strong expressions of opinion contained in the documents from which I have quoted. Those expressions are in favour of the perfect safety of legislating to any extent on this subject; but I am not sure that I have not met in the mass of evidence before me, opinions which ought to be placed in the opposite scale. I can venture to affirm that I have met with no statements of fact to be opposed to those which I have set forth. Assuming, then, that there is no reason to apprehend that the proposed law will excite discontent in any important degree, it remains only to be considered whether, upon intrinsic grounds, it is desirable that the master should not possess the power of moderately correcting his slave.

It is necessary to bear in mind that the question relates to such moderate correction as a parent may inflict upon his child, not to such severe punishment as a West Indian master might inflict upon his negro. This difference, it is true, is only one of degree, but it is nevertheless a difference of fundamental importance as regards the proposed measure, or more strictly as regards the reasons by which the proposed measure must be justified.

If the slave-owner of Bengal were now by law in possession of a power by which he could extort productive labour from his unwilling slaves, it might be desirable, for the sake of humanity, to take away that power; but it could not be alleged as one of the reasons in favour of such a measure that the power to be taken from the master was a power of no substantial value to him. I think such a reason may be alleged in favour of the proposed law, and I think that reason, coupled with the liability to abuse which is inseparable from a power residing in private persons to inflict corporal punishment upon adults, sufficient to justify the enactment of the proposed law.

Further, if the power in question were substantially valuable, it might be necessary to accompany its abolition, where it still exists, with other measures which may well be dispensed with upon the contrary supposition.

I think it is desirable that the master should not possess the power of moderate correction.

Our researches into the subject of Indian slavery have led me to believe that it operates in a great degree in mitigation of the evils which are incident to

No. 2.
INDIA.

the state of society prevailing in the greater part of this country. I believe that it mitigates the evils of poverty, at all times pressing heavily upon the lower orders, in times of dearth and famine pressing with intolerable severity. Slavery may be regarded as the Indian poor law and preventive of infanticide; and if it were necessary, for securing the advantages which belong to it in this capacity, to invest the master with the power of moderate correction, I should hesitate before I pronounced an opinion against the legal sanction of that power. But I do not think that the power of moderate correction can have that effect. The only way in which it can be supposed to have that effect is by enabling the master to extort productive labour from an unwilling slave; to obtain that kind of labour which will leave a surplus after maintaining the slave and his family. The experience of West Indian slavery and of English pauperism both show in their opposite results that productive labour cannot be extorted from an unwilling labourer without the infliction or the expectation of such punishment as English manners will not tolerate, as the judicial authorities of British India do not recognize, and, as I believe, the laws of India never sanctioned. The investigations of the Commissioners of Poor Law Inquiry in the years 1832-33, produced, if my memory does not much deceive me, an irresistible body of evidence to the truth of this doctrine. It is not that a man cannot be made to do work by such correction as a parent may inflict upon a child, but that he cannot be made to do such work as will pay for his maintenance and leave a profit to his employer. Now there is not, I think, one of the judicial authorities among those who have given a distinct opinion upon the point who recognizes any greater right in the master than that which a parent has in respect of a child, or a master in respect of a scholar or an apprentice; consequently, if the slavery of this part of India is beneficial to the master, it must be either because the slave has some other motive besides terror to make it so, or that the master oversteps those narrow limits to his power of correction which are recognized by all those judicial functionaries who admit that any power of correction at all resides in the master. The former supposition, I believe, is in accordance generally with the real state of facts in this country; the latter is only realized in rare cases of exception. Slavery in the East is not like slavery in the West; a system of mere violence and oppression—a system of which the vivifying principle is the dread of the cart-whip. Slavery in the East is a system which seems to be held together by the mutual interests of master and slave, and by the force of habit; it is held together very loosely, no doubt, but still sufficiently to produce practical results. The perpetual and hereditary service of their domestics is what the upper classes in India particularly desire as conducive to that privacy which belongs to their households. On the other hand, the lower classes are glad to bind themselves and their posterity to such perpetual service, in order to be secure of subsistence in sickness and in old age, and in those periods of scarcity which are every now and then recurring. The force of habit, so peculiarly strong in this country, operates also upon both parties to prevent the dissolution of their mutual relation. All I have hitherto read and heard of Indian slavery leads me to think that it may be described, with some approach to accuracy, as a custom according to which a poor family serves a rich one from generation to generation, the rich family in return supporting the poor one in age and sickness, as well as in health and vigour, and in periods when the poor family could not earn enough to maintain itself, as well as when it could earn more than enough. The status of each family of slaves appears to originate in one of two ways; first, in a contract by which a freeman sells himself and his posterity, or sells his child (or other relative) and its posterity; and secondly, by the birth of a child which has been begotten by a man of superior caste upon a woman of inferior caste. Such child is in some parts of the country a slave, and may become of course the stock of a race of slaves; but in whatever way the status may originate, the continuance of it must, it should seem, except in cases of abuse, have been in a great measure voluntary on the part of the slave, for the master never seems to have had any means of enforcing his rights which were at once lawful and effectual. Proceedings against a slave in courts of law are manifestly ineffectual. Such moderate correction as a parent may inflict on a child certainly was lawful, though many of our functionaries no longer permit it; but it must always have been ineffectual. Such severe correction as would be effectual has always been unlawful.

This

This last proposition seems evident from the answer of the muftees and pundits of the Sudder Dewanny Adawlut, already quoted in our report. The muftees say, "It is further unlawful for a master to punish his male or female slaves for disrespectful conduct, and such like offences, further than by zadeeb (correction or chastisement), as the power of passing sentences of tazeer and kisas, &c. is solely vested in the hakim. If, therefore, the master should exceed the limits of his power of chastisement above stated, he is liable to tazeer." Tazeer is, in its lowest degree, the kind of punishment, inflicted upon the smallest misdemeanors, by the magistrate. What the master may inflict upon his slave is something less than the lowest degree of tazeer.

The pundits say, "In cases of disobedience or fault committed by the slave, the master has power to beat his slave with a thin stick, or to bind him with a rope; and if he should consider the slave deserving of severe punishment, he may pull his * hair, or expose him upon an ass."

The thin stick reminds me of the alleged right of an Englishman to correct his wife with a similar instrument. It is true that the ignominious punishment last mentioned might be felt severely by some individuals; but as a general method of extorting profitable work from a reluctant slave, it can never have been efficacious. If applied with the frequency with which the cart-whip is applied in Georgia or Carolina, it would soon cease to be any punishment at all. In what light too these punishments were looked upon by the lawgiver himself is manifest from the following passage of Menu: "A wife, a son, a slave, (mistranslated servant by Sir William Jones), and a younger whole brother may be corrected, when they commit faults, with a rope, or the small shoot of a cane."—Digest, II. p. 324.

The description of persons among whom the slave is enumerated shows clearly the description of punishment to which he was liable in common with them.

For confirmation of the view I have here taken of the Hindu law, I refer to the compilation by Mr. Sutherland, which will be found in the Appendix to our Report.

I feel, therefore, little doubt that slavery in Bengal (if indeed slavery be not an improper name for such a condition) has subsisted for ages without any such power being vested in the master as would enable him to extort productive labour; and, I believe, that the power of parental correction which he possesses, when it has not already been taken from him by judicial discretion, may be taken from him without any real injury to his interests. I do not mean to say that it may not be convenient to the master in the government of his household, but I think that the great liability of such a power to run into excess when it is exercised against adults, more than counterbalances any good to the master which can result from it when confined within its legal limits.

One topic remains to be noticed. I have been considering the proposed law with reference only to those inflictions by the master on his slave which have the correction of the slave for their object. But a master has, by the Mahomedan law, a right of a different kind over his female slave, of which the abolition ought to be universally and certainly known. The answer of the muftees, from which I have quoted above, is of such a nature, when it touches this topic, as to be expressed in Latin instead of English, in the translation from the original Persian. I need not allude to it further, than to remark, that in it is implied that the master may compel his female slave to be his concubine. Of course no court of justice, under our Government, would hold such a law any justification of an act of violence or a course of persecution. But, I think, nevertheless, that it may be reckoned among the advantages of the proposed law, that it will include a distinct negation of so monstrous a right.

I am not aware that there is any discrepancy between any doctrine of this Minute and what my much-esteemed colleagues have said in Note (B.) to the Penal Code.

The doctrine of my Minute, which at first sight may appear at variance with their views, is, that the master's power to correct his slave cannot with propriety be abolished by an immediate, special, and isolated measure, unless the power is already so limited as to have no substantial value; because, if the power had a substantial value, it might be proper to accompany its abolition with other measures. It is true that my colleagues, when they sent up the Penal Code, did not say this, but I think they have not said anything that is inconsistent with it.

(signed) C. H. Cameron.

No. 2.
INDIA.

* More correctly "slave [*sic orig.*] his hair," as our secretary, Mr. Sutherland, informs me.

Menu, 299 and 301 to 308.

No. 2.
INDIA.
No. 1.

EXTRACT LEGISLATIVE CONSULTATIONS, 7 January 1839.

From *H. Torrens*, Esq. Officiating Secretary to the Government of *India* with the Governor-general, to *T. H. Maddock*, Esq. Officiating Secretary to the Government of *India*, dated 18 December 1838.

Sir,

Legislative ;
No. 15 of 26th
Sept. 1838.

I AM directed to request that you will submit, for the consideration of the honourable the President in Council, the accompanying despatch, in original, from the honourable the Court of Directors, desiring that a particular enactment should be passed, declaring that no offensive act should be exempt from punishment, because committed by a master against a slave.

2. The Governor-general is impressed with the belief that this principle has been invariably acknowledged, and acted up to in all courts of justice in Bengal, such being the result of a minute inquiry entered into by the Sudder Dewanny Adawlut of the Lower Provinces within the last four years, and to the records of which reference may be easily had for the purpose of verifying his Lordship's impression.

3. A similar equitable principle is believed to have been generally adhered to in the North West Provinces, in the very few instances in which persons have appeared before a criminal tribunal in the character of master and slave, the spirit of the regulations of Government requiring that all parties should be dealt with in our courts of justice on a footing of perfect equality.

4. It will remain for the honourable the President in Council to determine whether, after a consideration of the question, reason might not be shown for deferring the immediate enactment of a law, which there might be some doubt for considering specially requisite with reference to the limited prevalence of slavery in the Bengal presidency, the very mild character in which it exists, and the established principle in our courts of refusing to recognize any distinction of persons in respect of criminal proceedings.

5. His Lordship has directed me, in this letter, more especially to refer to the presidency of Bengal; but, although he is less accurately informed of the law and practice in the other presidencies, he is led to believe that the same principle of general protection is also extended to them; but he would wish, on this head, to have further information.

6. I am also directed to forward despatch No. 16, of 26th September 1838, in this department (with its enclosure), for submission to the honourable the president in Council, and that the special reports of the Indian Law Commissioners, and opinions or resolutions of the Government on them, required by the court, may be prepared and forwarded as early as practicable.

I have, &c.

(signed) *H. Torrens*, Officiating Secretary to the
Government of India with the Governor-general.

Camp Pool,
18 December 1838.

(No. 22.)

No. 2.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 7 January 1839.

Sir,

ative De-
nt.

I AM directed to request you will lay the accompanying copy of a despatch (No. 15, of 1838), received from the honourable the Court of Directors, before the Indian Law Commissioners, together with an extract from a letter from the officiating secretary to the Governor-general of India (paragraphs 1 to 5) on the subject thereof.

2. The President in Council, with advertence to what is said in Note (B.) of the proposed Penal Code upon the present state of the criminal law in respect to slaves, and to the observations made in the accompanying extract from the letter of the officiating secretary to the Right honourable the Governor-general, requests that the Commissioners will be so good as to favour him with their opinion as to whether the law, as now actually in force over every part of British India,

India, is or is not such as to make the passing of a law of the nature directed by the Honourable Court requisite, in order that the intention of the Home Government may be carried into complete effect?

No. 2.
INDIA.

3. If the Commissioners are of opinion that a special law is requisite, with this view they are requested to frame the draft of such a law, for the consideration of the Council of India.

4. The subject of this despatch will, of course, find a place in the general Report upon Slavery in India which the Commissioners are now preparing; but I am directed to request that this letter may be specially answered at the earliest convenience of the Commissioners.

I have, &c.

(signed) J. P. Grant,

Officiating Secretary to the Government, India.

Council Chamber,
7 January 1839.

EXTRACT LEGISLATIVE CONSULTATIONS, 4 February 1839.

(No. 182.)

From Indian Law Commissioners to the Honourable the President of the Council of India, in Council, dated 1 February 1839.

WE have now the honour to report our opinion upon the question referred to us in Mr. Secretary Grant's letter of the 7th ultimo.

2. That question arises out of a recommendation made by the Law Commission in Note (B.) to the Penal Code, (the provisions of the code being framed in accordance with the recommendation), which is, "that no act, falling under the definition of an offence, should be exempted from punishment, because it is committed by a master against a slave." The Honourable Court of Directors observe, in their despatch, in the Legislative Department, dated 26 September 1838, No. 15, of which an extract accompanied the above-mentioned letter of Mr. Grant to our secretary, that this recommendation has their entire concurrence, and they direct that Government will lose no time in passing an enactment to the effect of the recommendation.

The Right honourable the Governor-general is stated, in a letter from the officiating secretary to the Government of India with the Governor-general, dated the 18th December 1838, an extract of which also accompanied Mr. Grant's letter, to be "impressed with the belief that this principle (the principle of the recommendation) has been invariably acknowledged and acted up to in all courts of justice in Bengal, such being the result of a minute inquiry entered into by the Sudder Dewanny Adawlut of the Lower Provinces within the last four years."

"A similar equitable principle," it is added, "is believed to have been generally adhered to in the North Western Provinces in the very few instances in which persons have appeared before a criminal tribunal in the character of master and slave, the spirit of the regulations of government requiring that all parties should be dealt with, in our courts of justice, on a footing of perfect equality."

The secretary with the Governor-general then proceeds to remark, that "it will remain for the Honourable the President in Council to determine whether, after a consideration of the question, reason might not be shown for defining the immediate enactment of a law which there might be some doubt for considering specially requisite with reference to the limited prevalence of slavery in the Bengal presidency, the very mild character in which it exists, and the established principle in our courts of refusing to recognize any distinction of persons in respect of criminal proceedings.

"His Lordship has directed me in this letter," the secretary with the Governor-general continues, "more especially to refer to the presidency of Bengal; but, although he is less accurately informed of the law and practice in the other presidencies, he is led to believe that the same principle of general protection is also extended to them, but he would wish, on this head, to have further information."

The question referred to us by Mr. Secretary Grant's letter, which encloses the

No. 2.
INDIA.

documents we have cited, is, "whether the law, as now actually in force over every part of British India, is or is not such as to make the passing of a law of the nature directed by the Honourable Court requisite, in order that the intention of the Home Government may be carried into complete effect?" To this question we must answer, that we think the passing of a law of the nature directed by the Honourable Court is requisite, in order that the intention of the Home Government may be carried into complete effect.

Our reasons for thus answering, are as follows:—First, if we take our notion of the law now in force from the statements of the various judicial functionaries as to the course they would pursue, or would expect their subordinates to pursue, under supposed circumstances, then the law, in some parts of British India, is already in conformity with the intentions of the Home Government; in other parts it is not; and, in other parts it is in such a state that no one can say with certainty whether it is or is not in conformity with those intentions. It will be observed, of course, that law depending upon the opinions of functionaries, is liable to be changed by a change of functionaries.

It is in this the last-mentioned state that we conceive the law to be in the Lower Provinces subject to this presidency. We speak with the utmost deference to the Right honourable the Governor-general; but his Lordship was writing only from recollection of documents which we have before us. We say so, though upon the presumption that the minute inquiry which his Lordship alludes to as having been entered into by the Sudder Dewanny Adawlut for the Lower Provinces within the last four years, was that inquiry which was instituted for the purpose of enabling the court to reply to certain questions addressed to them on the subject by the Law Commission, and the result of which, combined with the result of similar inquiries instituted by the Courts of Sudder and Foujdarry Adawlut at Madras and Bombay, formed the basis of that recommendation of the Law Commission which induced the Honourable Court of Directors to issue the instruction now under discussion.

The uncertain state of the law, as collected from the answers of the judicial functionaries, is set forth in Note (B.) to the Penal Code. But, in consequence of the doubts expressed by the Right honourable the Governor-general as to the opinions of the functionaries of the Lower Provinces, it will be right to cite more largely from those authorities.

Mr. C. R. H. Martin, the officiating judge of the 24 Pergunnahs, says: "The authority of the master over the slave is quite absolute according to the Mahomedan law, and protection cannot legally be extended to the latter in case of cruelty or hard usage; but notwithstanding the law of the present time is so much on the side of the master, it is an acknowledged power of the courts to award penalties on the master if he do not feed and clothe his slaves well, do not allow them to marry, and punish them without cause."

Mr. J. K. Ewart, the officiating magistrate of the Southern Division of Cuttack, says: "A master, whether Hindoo or Mussulman, is considered to have a right to his slave's labour, and to apply summarily such moderate correction as is necessary. If it is proved that a master has exceeded that limit, he is liable to punishment."

Mr. C. Harding, the commissioner of circuit of the 12th Division, says:—"Complaints between master and slave are of such rare occurrence, and the practice of courts so different according to circumstances, that it is impossible to reply to this question satisfactorily." "If a master, without due provocation, seriously maltreated his slave, he would probably be fined and admonished. If he moderately chastised him for impudence, disobedience, or neglect of duty, he would be considered justified in so doing."

Mr. W. Dampier, the commissioner of the 18th Division, says: "A magistrate is, I consider, authorized to interfere in cases of cruelty or severe maltreatment only; but, as no law is laid down, the practice of affording the assistance varies much; some officers entirely separating the slave and master, whilst others deem it sufficient to take security for the future good conduct of the master."

Mr. R. H. Mytton, the magistrate of Sylhet, says: "The criminal courts do not interfere between master and slave, except for ill-treatment, or any act which may militate against nature. In the former case, moderate correction of a slave by his master would not be considered as a misdemeanor."

These citations show that the judicial functionaries of the Lower Provinces

are far from unanimous in denying the right of correction to the master, though it is true that about half those who have given any opinion, say they should make no difference between the treatment of a slave and a freeman.

The Court of Nizamut Adawlut, however, which presides over and regulates the proceedings of all those functionaries, had expressed a different opinion. In the letter written by the registrar of the court, in answer to the inquiries of the Law Commission, it is said, "A master would not be punished, the court opine, for inflicting a slight correction on his legal slave, such as a teacher would be justified in inflicting on a scholar, or a father on his child."

In the Upper Provinces, as the Nizamut Adawlut, summing up the opinions given by their subordinates, state, without expression of dissent on their own part, that no distinction is recognized between the slave and the freeman in criminal matters, with some few exceptions it may be said that the law is already in conformity with the intentions of the Home Government; still understanding by the word law, the course which the judicial functionaries say they would pursue.

With respect to the presidencies of Madras and Bombay, the Right honourable the Governor-general expresses a wish for further information. Upon this we beg to remark, that the Law Commission, when it made the recommendation contained in Note (B.) to the Penal Code, had collected from those presidencies a body of information precisely similar to that which it had collected from Bengal. The result is shortly stated in that note, and need not be here repeated. Of neither of those presidencies can it be said that the law is throughout every part of them already in conformity with the intentions of the Home Government. Secondly, we have been speaking hitherto of the law as collected from the statements of the various judicial functionaries, as to the course they would pursue, or would expect their subordinates to pursue, under supposed circumstances. But it must be remembered that a law so collected, is one which the people have no means of knowing with any reasonable approach to certainty. This is in itself sufficiently evident; but a striking light is thrown upon it by comparing the answer of the officiating magistrate of South Cuttack, already cited, which recognizes the right of moderate correction in the master, with the answer of the neighbouring functionary, Mr. Mills, the officiating magistrate of Central Cuttack. The latter states, that the practice which he finds has been adopted by every officer that has presided in his court, "is, to punish the master, and manumit any slave who prefers a complaint against him for cruelty, hard usage, or has any other reason for wishing to leave him. It does not signify," he says, "whether the ill-treatment of the master or alleged cause of dissatisfaction on the part of the slave, is substantiated or not. Every magistrate has passed an order on all such cases to the following purport: 'We do not recognize slavery, you may go where you please, and if your master lays violent hands on you, he shall be punished.'" And not only does Mr. Mills state this as the uniform practice of his own court, but he also thinks he may with safety assert, "that the magistrates of Bengal never recognize the masters to have a legal right over their slaves with regard to their persons."

But it is further to be observed, that not only have the people no means of knowing, with any reasonable approach to certainty, the law which would in general be administered to them, but the sources of information on the subject which are open to them would probably tend to mislead them. Those sources are the Mahomedan law, the Hindu law, and the Regulations.

The substance of the Mahomedan and Hindu laws on this subject may be shortly stated in the words of the mufties and pundits of the Sudder Dewanny Adawlut, of Calcutta. In the year 1808, that court, "with a view to ascertain whether any modification of the Mahomedan or Hindu laws of slavery appear requisite or expedient," resolved, that certain questions should be put to the mufties and pundits of the court. The third of those questions was, "What offences upon the persons of slaves, and particularly of female slaves, committed by their owners or by others, are legally punishable, and in what manner?"

The answer of the mufties was, "It is unlawful for a master to punish his male or female slaves for disrespectful conduct, and such like offences, further than by tadub (correction or chastisement), as the power of passing sentences by tazeer and kisas is solely vested in the hakim." If, therefore, the master should exceed the limits of his power of chastisement above stated, he is liable to tazeer," &c.

No. 2.
INDIA.

Note (A.)

Slavery in India
303-

This answer was made to the second question of the court; but is referred to in the answer of the third.

The answer of the pundits was, "In cases of disobedience or fault committed by the slave, the master has power to beat his slave with a thin stick, or to bind him with a rope, and if he should consider the slave deserving of severe punishment, he may pull his hair, or expose him upon an ass."

It may be observed, with regard to Mahomedan law, that as they only are slaves by that law who are captured in an infidel territory in time of war, or who are the descendants of such captives, the status of slavery contemplated by that law can hardly be said to have any existence in this country. But, on the other hand, those parts of the regulations of the Bengal Code, adopted afterwards into the Madras Code, which provide that a master who has murdered his slave shall not screen himself under the technical objection derived from the principle of *kisas*, or retaliation, are legislative recognitions not only of the criminal branch of Mahomedan law, but also of the existence of a status of slavery capable of intercepting the general principles belonging to that branch.

At Madras, too, the Mahomedan law, as to the master's right of punishing, received, so late as 1820, the confirmation of a circular order of the Court of Foujdarry Adawlut, which has never been revoked, though it is said by the judges of that court, in their answer to the Law Commission, not to be recognized in practice. It is, however, recognized, so late as 1823, in a general report to the Governor in Council by the Foujdarry Adawlut.

With regard to Hindoo slavery, it may be said that the question under discussion is one belonging to the criminal branch of the law, and that the criminal branch of Hindoo law has been superseded by the Mahomedan. But this, we apprehend, is not a strictly correct view of the matter. We do not think this question belongs to the criminal branch of the existing law, but to the law of persons or of status. We think that when the Mahomedan conquerors introduced their own criminal law, and left to the Hindus their own law of persons or of status, that left to them that exception or defence against criminal charges which arises out of the Hindu status of slavery. This doctrine may be illustrated by the more palpable case of the exception or defence arising out of the law of marriage. There can be no doubt, we think, that a Mahomedan judge would hold a Hindu exempt from punishment for restraint upon the person of a woman who was his wife by Hindu law, though he might have more than the four wives permitted by the Mahomedan law of marriage, and have been united to them in a manner which that law does not recognize.

The magistrate of Agra, whose answers evince much reflection and research, adverts to this view of the subject; but he is of opinion that the Mahomedans did interfere, to a certain extent, with the Hindu status of slavery; and he cites from the *Ayccn Akbaree*, Vol. 1, page 302, the following passage, where Akbar, giving instructions for the guidance of the police, says: "He must not allow private people to confine the person of any one, nor admit of people being sold as slaves. He shall not allow a woman to be burnt contrary to her inclination." But supposing Mr. Mansell to be right on the historical question, it still does not follow that the British Government of India, in adopting the Mahomedan criminal law, adopted also the Mahomedan modifications of the Hindu law of status. Mr. Mansell says, with reference to this doctrine, "The criminal law as administered under Regulations VI. and VII. of 1803, is undefined and anomalous to a degree which renders it necessary to the student to fall back upon first principles; and the magistrate, among conflicting analogies, must select that which is most consonant to natural justice." We are far from thinking that this is any unreasonable stretch of judicial discretion in favour of personal liberty. But we are now considering the subject not with a view to the judicial decision of a particular case, but to that systematic legislation for which the Law Commission was created; but Mr. Mansell very properly confines his doctrine to such parts of British India as have been under Mahomedan sway. With regard to the remainder, into which Mahomedan law has been no otherwise introduced than by our Regulations, there can be no ground for thinking that the Hindu law of status has been altered.

It is to be noted also, that by the construction of the *Sudder Dewanny Adawlut* of 1798, confirmed by the Governor-general in Council on the 12th of April of that year, and fully recognized in the subsequent resolution of the Honourable the Vice-president in Council, dated 9 September 1827, the spirit of the rule contained

tained in section 15, Regulation IV. of 1793, for observing the Mahomedan and Hindu laws in suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, was determined to be applicable to cases of slavery. It is true that the rule and the construction have direct reference only to civil proceedings; but they must, we apprehend, operate indirectly in criminal proceedings, by obliging the criminal courts to admit those exceptions or defences which arise out of the civil rights thus confirmed. We may employ again the illustration of marriage above adduced. We cannot doubt that, under the rule, a criminal court would hold a Hindu justified in exercising such restraint towards his wives as would amount to false imprisonment if exercised towards other women. And if that be so, the same court ought certainly to deal in the same way under the construction with the exception or defence arising out of slavery.

The Regulations, the last-mentioned source of law accessible to the people, are silent on the point in question.

No. 2.
INDIA.
Silence of the Regulations.

Some of the judicial authorities, indeed, and in particular those of the north-western provinces, consider the silence of the Regulations as involving a negation of the power in question.

The collective opinion of these authorities, is thus summed up by the *Sudder Dewanny Adawlut*:—

“Although the Mahomedan law permits the master to correct his slave with moderation, the code by which the magistrates and other criminal authorities are required to regulate their proceedings, does not recognize any such power; and as the regulations of Government draw no distinction between the slave and freeman in criminal matters, but place them on a level, it is the practice of the courts, following the principles of equal justice, to treat them both alike, affording them equal protection and equal redress, whenever they come before them, and whether they stand in the relation of master and slave to each other or not.”

This inference from the silence of the Regulations would be a just one, if the Regulations professed to be a complete code; but this is not the case. They profess to be merely a supplement and corrective of Mahomedan and Hindu laws. We think, therefore, that it would be very unsafe to infer that any provision of those two systems was repealed by the mere omission to notice it in the Regulations.

We think, therefore, we are justified in saying that the sources of information which are open to the people, would probably tend to mislead them. And if this is the case, an express enactment or declaration by the Legislature seems highly desirable. It would be very hard upon a master who had given his slave moderate correction in the supposed exercise of a legal right, to be brought into a court of justice as a criminal, and subjected to punishment.

How far the people are actually misled, it would be difficult to estimate. From some instances which have come to our knowledge, it would seem that the people feel it is not safe to trust to the three sources of law above mentioned; that they do conjecture as well as they can, frequently indeed overshooting the mark, what course the criminal courts will adopt; but whether the above-mentioned sources of information do really mislead the people, or whether they do not mislead, because they are known to be unsafe guides, a law distinctly declaring that the legal right of moderate correction does or does not exist, is the remedy indicated by either state of things.

The question which of these two doctrines is it most expedient to promulgate as law, is not submitted to us by the present reference; and some of us do not feel prepared to express, at this stage of the inquiry into slavery, any opinion upon that point. We therefore submit the draft, without further remark, of an Act for carrying into effect the views of the Honourable Court of Directors, founded upon the recommendation contained in Note (B.) to the Penal Code.

We have inserted, in an appendix, the evidence which we have taken since the general subject of slavery was submitted to us on the 5th November last. The evidence which has been heretofore collected on this subject has been principally that of European judicial functionaries, and describes little more than what takes place in courts of justice. In the evidence now submitted will be found some information respecting the domestic condition of the slaves.

No. 2.
INDIA.

We have also placed in the appendix a compilation from the original authorities relating to slavery, made by our secretary, Mr. J. C. C. Sutherland.

We submit this our Report for the consideration of your Honour in Council.

(signed) *A. Amos*
C. H. Cameron.
F. Millett.
D. Elliott.
J. Young.

Indian Law Commission,
1 February 1839.

I have sent up a separate Minute stating, my opinion respecting the expediency of the proposed law.

(signed) *C. H. Cameron.*

MINUTE by the GOVERNOR-GENERAL, dated 6 May 1839.

Legislative
Department;
proposed Act af-
fecting slaves.

Para. 1. THE Honourable Court have, by their despatch of the 26th September 1838, explicitly desired that the Governor-general of India in Council should lose no time in passing an enactment to the effect, "That no act falling under the definition of an offence should be exempted from punishment, because it is committed by a master against a slave."

2. At my suggestion the Law Commissioners were called upon to report, whether the intention of the Home Government was not already carried into complete effect by the practice of our criminal courts; the answer of the Commissioners was unfavourable to this view of the case, and the draft of an Act to the effect proposed has been accordingly submitted; but doubts, upon other grounds, have been thrown upon the policy of passing any such law; Minutes on the subject, of high authority, have been recorded; and, in the end, the President in Council has requested my opinion.

3. It is observed by the Law Commission, that "the law in some parts of British India is already in conformity with the intentions of the Home Government, in other parts it is not, and in other parts it is in such a state that no one can say, with certainty, whether it is or is not in conformity with those intentions."

4. In truth, the law in this respect partly depends upon the opinions of those by whom it is administered, and is liable in some degree to fluctuate with a change of functionaries. About half of the judicial functionaries of the Lower Provinces have given an opinion that they should make no difference between the treatment of a slave and a freeman. In the Upper Provinces the Nizamut Adawlut have affirmed, without dissent, that no distinction is recognized between the slave and the freeman in criminal matters; and in Madras and Bombay there is the same uncertainty, and the law cannot be said to be altogether in conformity with the intentions of the Honourable Court. It is cited, as an instance of the uncertainty and inconsistency of the law, that the right of moderate correction in the master is recognized by the magistrate in Southern Cuttack, whilst in Central Cuttack the judgment upon every complaint by a slave, whether substantiated or not, has been "we do not recognize slavery, you may go where you please, and if your master lays violent hands upon you, we will punish him."

5. Even in Malabar, where the caste of Cherinurs, or rustic slaves, have been said to live in the lowest stage of servility and degradation, it was stated, by the magistrate, as far back as 1835, that "slaves complaining against their masters for acts of violence, receive equal protection with all other castes. They now readily resort to the magistrate's cutcherry, where prompt attention is given to their complaints, and the parties offending against them are immediately punished, without any reference to their relative situations."

I am aware that an entirely similar doctrine has not been held even in the neighbouring district of Canara. But it is altogether clear, that the abuse of violent punishment is not any where legal. Even the authorities which allow any right of correction, do not place it higher than that which a parent has over a child, or a master over a scholar or apprentice; and the Hindu law equalizes the rights which a man has in this respect over his wife, his son, his slave and his younger brother of whole degree.

6. With all this, however, and with whatever degree of equality and humanity

humanity in practice; the law, as it stands, is uncertain, and the remedy indicated by the Law Commissioners is an enactment, either declaring that the legal right of moderate correction does or that it does not exist in the master; and, as the question has not been submitted to them, the Commissioners collectively decline to discuss which of those two doctrines it would be most expedient to promulgate; and they accordingly, in obedience to the directions issued to them, submit the draft of an Act for consideration, by which the right of moderate correction is denied.

7. I do not approve of the law in the form proposed; I think that it attempts to define, and to restrict too closely; and I should prefer the more general form of Act, as originally proposed by the former Law Commissioners, in their Note (B.) on the draft of Penal Code, and as approved by the Honourable Court in their despatch now before us.

8. If the matter, however, were wholly left to my discretion, I should very much prefer not to legislate at all for the purpose of regulating the conduct of masters towards their slaves. All such regulation implies a recognition of a state of slavery, towards the absolute extinction of which I am satisfied that, by the mere force of time, of civilization, and of the lenient and well-understood principles and practice of British administration, great advances are in progress. If we, in this manner, formally recognise the state of slavery, we shall incur a great danger of directly defeating our own intentions, and of becoming parties to the maintenance of that state, by being led into different measures for the regulation of the rights and obligations incident to it. In the case with which we have now to deal, it would seem impossible not to accompany the enactment of such a law as is proposed with provisions, giving to masters some easy legal means of obtaining the due services of their slaves. A summary jurisdiction is already given to magistrates in the Bengal presidency (by Reg. VII. 1819), for the enforcing the duties of the relation of masters and free servants and labourers; and the masters of slaves might justly require that some law, similar in principle, should be passed for the fair protection of their rights. Measures of such a character would, however, I apprehend, be found highly inconvenient and embarrassing. At present, the hold of masters over their slaves is, generally, of the most loose description. The leaning of our courts against the admission or support of a condition of bondage, is notorious, and of powerful effect. There is no course of legal proceeding against an absconding slave, except by a regular civil action, on the inefficacy of which the former Law Commissioners have justly and forcibly observed. The attachment and continued labour of the slave is secured only by habit, by fixed national usage and opinion, and by the sure means of good and moderate, and even indulgent and favourable treatment. These circumstances furnish, to my mind, arguments of exceeding strength against a legislation which must revive, and, in some manner or other, confirm rights now rapidly losing all their force without any ostensible interference of the Government.

9. I would not enter into a discussion upon the degree to which, in the present condition of Indian society, all slavery is excluded from amongst the Mahomedans by the strict letter of their own law, or upon the degree to which the Mahomedan law and usage have superseded the Hindoo law of slavery; but it is, I think, from the causes above explained, sufficiently clear that the abhorrence to slavery entertained by the English functionary, is gradually establishing an administration of the law under which all slavery must fall. We may be certain that with the lapse of time that abhorrence will only increase and be diffused, and that any inconsistencies now existing in legal practice, must be before long removed by uniform interpretations in favour of the slave.

10. On the other hand, I admit the strong general arguments which may be urged against any permission of laws of uncertain construction, and inconsistent administration; and I do not at present see reason to anticipate, as far as regards this presidency, serious dissatisfaction or other inconvenience from the adoption of the proposed remedy; and if, in the opinion of others, it were likely to be productive of good, and if the law were drawn and could be passed, without injustice to masters, simply in the more general form mentioned by the Honourable Court, and so as not to bear the construction of at all sanctioning a state of slavery, I should be prepared, in deference to the Honourable Court, to give my assent to it. I must hesitate, however, upon doing so against the

No. 2.
INDIA.

declared opinion of Mr. Amos, and with the expression before me of doubts upon the subject by Mr. Bird, accompanied by the statement by Mr. Robertson that, in his opinion, the law in question would be objectionable, and calculated, in indiscreet hands, to work immeasurable mischief.

11. We have been directed by the court to lose no time in passing a law to the effect proposed; but surely this direction, is in its very terms, compatible with a due discretion; and before the law could be passed, I think that we are justified in asking for the opinion of the Law Commission on its expediency, and bound in common prudence to consult the governments of Madras and Bombay upon the effects which it may have within those presidencies. I propose, accordingly, that this course be now, in the first instance, taken; and in the meantime I shall forward copies of all the Minutes by the steam mail under dispatch, for the further observations of the Honourable Court.

12. I have said that the inclination of my own mind is against legislation on the subject of slavery; for reformation is working its own way, and a direct interference may frustrate our own objects, while it may in some places, and from the

* *N.B.*—I have used this term, not only in deference to the distinction which has been drawn by Mr. Cameron, between slavery in the East and slavery in the West Indies, but because (as I understood), such terms as Tidoce, Gholam, Khanagad, and others, are very generally translated by the word slave, though they may be often rather applicable to a state of honourable and coveted dependence, than to one of bondage

absence of any very definite meaning in India to the term "slave*," excite alarm and counteraction; and yet there is one class of abuse, as connected with this subject, to which the attention of the Government and of the Law Commission may very properly, in my opinion, be directed.

13. The subservience of a dancing girl to her keeper is, perhaps, not greater in India than that of the young prostitute to the panders of Paris and of London; and no magistrate, in these days, would construe it to be slavery, or in any way sanction the right of control which is assumed. Yet the power over these girls is acquired by purchase; and, from correspondence with Major Sleeman, and others, I am led to believe that the traffic in children, for the supply of the zenanna and the brothel, is a source of extensive crime, upon the temptation to which gangs even of systematic murderers, as appears by the published Report upon the Megpunna Thugs, have been founded. All crime, indeed, by which the possession of the child is obtained, is already punishable by law; but it is not easily detected, and it seems probable, that far too much of facility exists in the traffic which follows upon the profession.

14. I should be very glad if the Law Commission, or if the secretary of Government at Calcutta, in the Legislative Department, were called upon for a note on the state of the law and practice on this subject. I am told that it was brought under discussion before the Government a few years ago, soon after a great inundation in Cuttack, when, from the inability of parents to support their families, the extensive sale of children had attracted general notice. The purchase of children at that time was very generally an act of charity, and was considered to be legal and commendable; but the legality of such a traffic, in ordinary times, must, in my opinion, lead to evils more than counterbalancing its occasional good.

Simla, 6 May 1839.

(signed) *Auckland.*

(True copy.)

(signed) *T. H. Maddock,*

Officiating Secretary to the Government of India
with the Governor-general.

(No. 183.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, Fort William, to *T. H. Maddock*, Esq. Officiating Secretary to the Government of India with the Governor-general, dated 8 April 1839.

Sir,

Legislative Department.

I AM directed by the Honourable the President in Council to acknowledge the receipt of Mr. Torren's letter of the 18th of December last, enclosing a despatch from the Honourable Court, dated the 26th September 1838 (Legislative Department,

ment, No. 15), and to forward to you, for the information of the Right honourable the Governor-general of India, copies of the papers noted on the margin.

To Secretary to the Indian Law Commission, dated 7 Jan. 1839.

Minute by the Hon. A. Amos, Esq. dated 4 Feb. 1839, with its Enclosure.

Letter from the Law Commissioners, dated 1 Feb. 1839, with its Enclosures.

Minute by the Hon. Mr. Amos, of 1st, and Mr. Robertson, of 3d Apr. 1839.

Minute by the Hon. Mr. Bird, of 5th April 1839.

Draft of Act, dated 8 April 1839.

2. On the receipt of Mr. Torren's letter, the Law Commissioners were requested to report whether the law, as now actually in force over every part of British India, is or is not such as to make the passing of a law of the nature directed by the Honourable Court requisite, in order that the intention of the Home Government may be carried into complete effect. To this question the Law Commissioners answered in the affirmative; and, as directed to do in case they should so answer, they submitted the draft of an Act of the nature directed by the Honourable Court. In doing so, they observed, that "an express enactment or declaration of the Legislature seems highly desirable" to determine the existence or non-existence in a master of the right of moderately chastising his slave for a fault. But, observing that the question of which determination is the more expedient, had not been submitted to them, and that some of them did not feel prepared to express, at this stage of the inquiry into slavery, any opinion upon that point, they contented themselves (with the exception of Mr. Cameron, who sent up a separate Minute upon this point) with giving a simple reply to the legal question put to them, and the grounds of their opinion thereon.

3. On taking the draft, thus submitted, into consideration, it was determined to add a few words, for the purpose of making its whole intent more apparent, as explained in Mr. Amos's Minute of the 1st April 1839, with which addition it is proposed to read it for the first time, if it be determined immediately to pass any Act to the effect of this draft Act.

4. But the question, whether any such law should now be promulgated, or whether nothing should be done in the matter of slavery in India before an answer may be received to a reference to be made to the Honourable Court upon the subject, has been the subject of anxious deliberation with the President in Council. On this point I am directed to request that the Right honourable the Governor-general may be referred to the Minutes recorded by Mr. Amos, Mr. Robertson, and Mr. Bird, dated respectively the 1st, the 3d, and the 5th of April.

5. Upon this question the President in Council begs to be favoured with the opinion of the Governor-general.

6. I am directed to suggest, for the consideration of his Lordship, that perhaps it may be practicable for his Lordship to report to the Honourable Court, in time for the next overland mail from Bombay, the result of this reference to him. The Report of the Law Commissioners, dated the 1st February last, with its accompaniments, including an appendix of evidence taken by them on the subject of slavery in India, has already been submitted to the Honourable Court, by the overland mail of February, with a despatch from the President in Council, dated the 11th of February last, a copy of which was forwarded to you, with my letter of the same date. The Minutes above referred to, the annexed draft, this letter, and his Lordship's reply, will remain to be submitted to the Honourable Court.

7. Amongst the papers sent herewith, is the copy of the Report of the Indian Law Commissioners required by your letter of the 7th ultimo.

I have, &c.

Fort William,
8 April 1839.

(signed) *J. P. Grant*,
Officiating Secretary to the Government of India.

(True copy.)

(signed) *T. H. Maddock*,
Officiating Secretary to the Government of India.
with the Governor-general.

No. 2.
INDIA.

MINUTE by the Honourable A. Amos, dated 1 April 1839.

On the Slavery Act. THE first question which I propose to consider, is the legal effect of the Slavery Act.

It seems to be clear, that by the existing law of the country, moderate correction of a slave by his master is permitted, and that immoderate correction is not permitted, and that the boundary between the two kinds of correction is not, and perhaps cannot, be very distinctly defined. The effect of the proposed law is to abolish the right of moderately correcting a slave. If a charge of an assault, not amounting even to touching the person, still more, if a charge of beating, however slight, be preferred by a slave against his master, the master will not in future be permitted to justify himself by a plea of moderate correction, however gross the misconduct, however wilful the disobedience, however reckless the negligence of his slave may have been.

Our directions are, "that no act falling under the definition of an offence shall be exempted from punishment, because it is committed by a master against a slave." Now, it is to be observed, that several "acts falling under the definition of offences," as assaults and batteries, are exempted from punishment, because they are committed by a master against his servant; though the law in this respect would appear to be different in different presidencies; and, singular as it may seem, it is doubtful in English criminal law. Servants are under contract, the performance of which several of the Regulations, and especially the bye-laws of Calcutta, will compel by severe punishment. The proposed Act leaves the master of the slave without means, either by his own personal correction, or through the intervention of a magistrate, of compelling the service of his slave.

It may perhaps be said, that the Act may bear another construction, viz. that a master shall not be allowed to justify an assault merely by proving that the person assaulted is his slave; but that he must go on further, and prove that the slave has been guilty of misconduct, disobedience, or negligence; that a master shall not be allowed to justify an assault on his slave unless he shows that the assault, under the circumstances, does not fall under the definition of an offence. In answer, it is to be observed, that if the Act only effects this, it effects nothing which is not already the established and universally known law of the country. I do not find a single opinion any where advanced, that by any law prevalent in India, a master has a right to give even moderate correction to his slave unless his slave has been guilty of some fault.

I think it would not be expedient, as it has been suggested, to add a proviso to the Act, that the slave may be punished under the same circumstances and in the same manner as a menial servant, for this would materially modify what I think, is the obvious construction of our directions, and it might subject the slave to the regulations respecting servants, or at least would lead us into a declaration of the power of masters over servants, for which we are not quite prepared.

It has been thought by Mr. Cameron, that the Act would operate as a declaration against the assumed right of a master to prostitute his female slaves. I have added some words to the draft of the Commissioners, in order to make this intent more apparent; but I think, that without making the alleged practice a substantive offence, the Act can reach it only in a very indirect and ineffectual manner; I scarcely think that it would be expedient to go so far beyond our directions as to legislate directly and expressly with reference to this infamous practice.

2d. Having considered the legal effect of the Act, I propose next to consider its practical operation.

I believe, as far as an opinion can be formed upon the present state of our information, it will have no practical operation of any importance in ameliorating the condition of slavery. Already both law and practice are opposed to immoderate correction by a master of his slave, and I conceive that the practice of the magistrates and the courts would decide doubtful cases in favour of the slave. As to cases of moderate correction for misconduct, disobedience, or negligence

negligence, I think that there is a variety of grounds for believing that they will rarely be brought before a magistrate, except perhaps from malicious motives; if so brought, there will be great difficulty in establishing them; if established, the magistrate would seldom be justified, especially in cases of gross misbehaviour on the part of the slave, in inflicting a punishment on the master which would have any other effect than bringing the law into contempt.

3d. Lastly, with reference to the question of the expediency of the proposed Act.

There is that conflict between law and the practice of magistrates, and that discrepancy in the practice itself, as to make it somewhat doubtful whether in any, and what cases, moderate correction may be exercised by a master over his slave without danger of legal punishment; and, in a perfect code, such a point as this ought not to be left in doubt.

Still, if the removal of such doubts will not be attended with any practical consequences of importance for the amelioration of slavery, it appears to me inexpedient to pass such an Act as an isolated measure at any time, and especially under the existing circumstances of India. The objections against an isolated measure of this character at all times, and especially at the present moment, might even be set up against some small degree, at least, of practical benefit arising to slaves in India; differing as their condition does in essential particulars from those forms of slavery which have been principally the subject of attention and reprobation in England.

Neither, I think, ought we to lose sight of the consideration, whether in taking away (by a side wind as it were, and through the medium of the criminal law,) from the master the only legal means in his power of compelling his slave to work, we ought not, in justice, to grant him compensation. I cannot help dissenting from my friend Mr. Cameron's opinion (for it is by no means that of the Commission), that any work which the slave might possibly perform, but which he would not perform unless he were compelled by moderate correction, is totally valueless; and that the power of moderate correction will not have the slightest effect in increasing the diligence, obedience, or respect of the slave; although the benefits which the slave may look forward to, in the event of age, sickness, or famine, as the implied, though not the legal condition of his service, may protect such opinion from any imputation of being a paradox. But although such an opinion may be well founded, is a different view of the subject so unreasonable as that we must not expect that it will be generally entertained by the masters of slaves, and will create in the country a general opinion against the justice of our proceedings? It may be observed, moreover, that if coercion will not produce valuable labour, coercion will not be generally practised, and that therefore there is less occasion for a new law.

But what appears to me the strongest reason against passing the Act at the present moment is, that the investigations which have already taken place before the Law Commission show what a very imperfect knowledge of the subject of slavery in India was in the possession of those individuals who were the authors of the recommendation which we are now directed to transfer into an Act. Our knowledge on the subject is still very imperfect, especially as regards the presidency of Madras; upon the important considerations of what will be the precise and the whole practical operation of the Act, and what feelings it will occasion among the native community, I do not think that we have the materials before us necessary for forming the most correct judgment.

4th. It will be for others more conversant with official forms and usage to say whether the Court of Directors have intended on the present occasion to leave any discretion in our hands; at all events, the directions which we have received indicate a very strong opinion upon the subject with the home authorities. It therefore will probably not be thought advisable to delay the execution of the directions we have received, unless the Governor-general and members of Council, and perhaps also the governments of Madras and Bombay, are unanimously of opinion that the publication of the Act ought to be postponed.

(signed) A. Amos.

Calcutta, 1 April 1839.

MINUTE by the Honourable *T. C. Robertson*, dated 3 April 1839.

BUT for the peremptory tone of the order conveyed to us by the Honourable Court's letter of the 26th September last, I should have no hesitation in recording my concurrence in what Mr. Amos has stated with so much clearness and force against the immediate passing of the proposed Act. Looking, however, to that letter, I fear that no discretion is allowed us, and that the Act, objectionable as I regard it in many respects, and calculated in indiscreet hands to work incalculable mischief, must be promulgated.

(signed) *T. C. Robertson.*

3 April 1839.

MINUTE by the Honourable *W. W. Bird*, dated 5 April 1839.

THE orders of the Court merely are, that we should lose no time in passing an enactment, to the effect stated in Note (B.), which is appended by the Law Commissioners to the Penal Code, namely, "that no act falling under the definition of an offence should be exempted from punishment because it is committed by a master against his slave." But it appears that the Draft Act submitted for this purpose by the Law Commissioners with their Report of the 1st of February last, goes much further, and will have the effect of depriving the master, with respect to his slave, of that power of moderate correction which he can legally inflict, with sufficient cause, on all the rest of his family.

This I do not think could have been intended, and is manifestly objectionable, inasmuch as it raises the condition of the slave above that of others who are not slaves, in the same domicile; renders him entirely independent of his master, by whom he is fed and clothed, and assures him of impunity however gross his negligence, wilful his disobedience, or inexcusable his misconduct.

Such a law we are not required by the Court's instructions to pass; a law which is declared by Mr. Robertson to be calculated in injudicious hands to work incalculable mischief. If an Act, such as I conclude the Court contemplated, cannot be framed without releasing the slave from that control necessary for the preservation of good order and sobriety of conduct, it would be advisable, I think, to abstain from legislation at present, and refer the question for the further consideration of the home authorities.

5 April 1839.

(signed) *W. W. Bird.*

Fort William, Legislative Department, 8 April 1839.

DRAFT OF ACT submitted by the Law Commission, with certain Amendments made by the Council of India.

It is hereby Declared and Enacted, That whoever assaults, imprisons, or inflicts any bodily injury upon any person, being a slave, either by way of punishment or of compulsion, or in the prosecution of any purpose, or for any other cause, or under any other pretext whatsoever, under circumstances which would not have justified such assaulting, imprisoning, or inflicting bodily injury upon such person if such person had not been a slave, is liable to be punished by all courts of criminal judicature within the territories subject to the government of the East India Company, as he would be liable to be punished by such courts if such person had not been a slave.

(signed) *J. P. Grant,*

Officiating Secretary to the Government of India.

EXTRACT LEGISLATIVE CONSULTATIONS, 27 May 1839.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*.

No. 4.

(No. 222.)

(No. 341.)

To the Indian Law Commissioners.

To the Chief Secretary to the Government of *Port St. George* (No. 342.), and Secretary to the Government of *Bombay*.

Dated 27 May 1839.

(Legislative Department.)

(Legislative Department.)

Gentlemen,

WITH reference to your Report on the present state of the criminal law in *India*, relating to slaves, the honourable the President in Council requests that you will collectively favour him with your opinions on the following points:—

1st. Whether or not it is expedient now to pass any law to the effect of that directed by the Honourable Court of Directors in their despatch of the 26th September 1838, No. 15, whereof an extract accompanied my letter to your address of the 7th January last?

2d. The, &c.

Sir,

IN consequence of the receipt of a despatch from the Honourable the Court of Directors, on the subject of Slavery in *India*, the honourable the President in Council has had under his consideration a proposed law (a copy of which accompanies this letter), declaring and enacting that any assault committed, or personal injury inflicted, on a slave, shall be punishable in the same manner as if such assault had been committed or personal injury inflicted on a free person.

2d. The Indian Law Commissioners were, in the first instance, desired to report whether the law, in its present state, did not provide all that was intended by the Court of Directors, who, in their despatch, desired the Government of *India* to pass an Act, to the effect of a provision suggested in Note (B.) of the Penal Code, viz. "whatever is an offence when committed against a freeman, shall also be an offence when committed against a slave." In answer to the question put to them, the Law Commissioners have reported that the law, in its present state, does not provide for every thing which the terms cited from the Penal Code would include. The grounds of their opinion will be seen from the accompanying copy of their Report, dated the 1st February last. It would appear that the Commissioners considered that the present criminal law of the country made one difference between slaves and freemen, but no other, viz. that a master might be justified in inflicting moderate correction on a slave for certain faults.

3d. The Right honourable the Governor in Council is requested to favour the Government of *India* with his opinion on the following points.

4th. First: Whether or not it is expedient now to pass any special law to the above effect?

5th. The President in Council remarks on this point, that, as will appear from the perusal of Note (B.) of the Penal Code, much variance in the practice of magistrates exists as to recognizing the right of moderate correction by a master of his slave. It is desirable that doubts upon this subject should be removed, if it can be done without the hazard of creating greater inconveniences. Upon the expediency of formally abolishing the power of a master to correct his slave in any case, it may be desirable to consider whether it would be regarded with justice, or in fact, by any considerable portion of the community, as an infringement of

rights

rights and a deterioration of property through the medium of the criminal law. It is also to be considered, as the regulations for the punishment of servants do not appear to be applicable to slaves, whether, regarding such benefits as the slave may derive from his situation, it is proper that he should be placed in a much more independent condition than a servant, and be exempted from punishment of every kind, from whatever authority, and on whatever occasion.

6th. It may deserve inquiry whether an objection applies to any special law regulating the conduct of masters towards their slaves, (especially if it be thought proper that the law should contain provisions for enforcing, by a magistrate, the obedience of slaves in like manner as servants), as implying a recognition of a state of slavery, towards the absolute extinction of which, by the mere force of time, of civilization, and of the lenient and well-understood principles and practice of British administration, great advances are in progress. It has been observed, that if government in this manner formally recognize the state of slavery, it will incur a great danger of directly defeating its own intentions, and of becoming parties to the maintenance of that state, by being led into different measures for the regulation of the rights and obligations incident to it. It appears to be very important to compare, on the one hand, the inconveniences to which it may be thought the law will give rise, not merely such as may necessarily result from it, but also such as it may be likely to produce if administered indiscreetly, or if made a plausible ground for discontent and excitement, and, on the other, the practical benefits which the law may be expected to confer. As to this, it is to be observed that the real operation of the law is much more limited than would, at first sight, appear from the terms of the provision suggested in Note (B.) of the Penal Code, which provision, it must be recollected, was intended by the Law Commissioners to be applied to the whole criminal law, and not merely to supply a particular defect in the existing law; it was made to prohibit immoderate as well as moderate correction, the former of which is already provided against by the existing law. It may deserve consideration whether the operation of the law in simply prohibiting moderate correction, will not, in fact, be still more limited by the general practice of magistrates upon complaints of the nature in question, which is, at present, to lean in favour of the slave. And regarding the effects of usage, the distance of tribunals, the difficulty of establishing a charge of moderate correction, the trifling nature of the punishment which could with justice be inflicted on a master for moderately correcting his slave (it being understood that accordingly to the existing law, the master would be punishable if he corrected his slave immoderately, or even moderately, except for negligence, disobedience, or disrespect), it may be proper to inquire whether the Act would be likely to have any practical effect of a general or extensive nature.

7th. Without entering into a discussion upon the degree to which, in the present condition of Indian society, all slavery is excluded from amongst the Mahomedans, by the strict letter of their own law, or upon the degree to which the Mahomedan law and usage have superseded the Hindoo law of slavery, it must be sufficiently clear that the abhorrence of slavery entertained by the English functionary is gradually establishing an administration of the law under which all slavery must fall. It may be certain that, with the lapse of time, that abhorrence will only increase and be diffused, and that any inconsistencies now existing in legal practice must be before long removed by uniform interpretations in favour of the slave.

8th. Second: Whether, supposing a law of the nature proposed be determined on, it could, with justice, be passed without compensation to the owners of slaves; and generally speaking, what compensation

compensation would be equivalent to the practical change which such a law would effect in the value of a slave? Also, whether it would be indispensable, that if the power of moderate correction be taken away, some provisions for enforcing obedience, in the nature of the regulations or bye-law for enforcing the obedience of servants, should be enacted?

9th. Third: Supposing a law of the nature proposed to be passed, whether it would be expedient to pass it somewhat in the form of the appended Draft Act (A.), which has been slightly altered from the draft prepared by the Law Commissioners, or in a more general form, as in the appended Draft Act (B.), which follows more nearly the words of the Honourable Court's despatch? It has been objected to the Draft (A.) that it attempts to define and to restrict too closely. On the other hand, as will be seen from the Report of the Law Commissioners, the only legal effect of the law would be to take away the right of moderate chastisement for misconduct, such as may be exercised by a parent over his child, or a master over his apprentice. It may therefore deserve consideration whether the Act, in the more general form, would import a great deal more than its real operation; and though its terms might be very proper in a code which embraced the whole criminal law, they would be inappropriate in an Act which contained only a very partial modification of the existing law. It might be observed, that the use of such general terms would have the effect of representing the existing law as much more defective than it really is, and of introducing much greater changes in the usages and rights of the native community, than is either intended or effected.

I have, &c.

(signed) *J. P. Grant,*
Off^r Sec^y, &c.

I have, &c.

(signed) *J. P. Grant,*
Off^r Sec^y to Gov^t of India.

DRAFT ACT (A.)

It is hereby Declared and Enacted, That whoever assaults, imprisons, or inflicts any bodily injury upon any person being a slave, either by way of punishment, or of compulsion, or in the prosecution of any purpose, or of any other cause, or under any other pretext whatsoever, under circumstances which would not have justified such assaulting, imprisoning, or inflicting bodily injury upon such person, if such person had not been a slave, is liable to be punished by all courts of criminal judicature within the territories subject to the government of the East India Company, as he would be liable to be punished by such courts if such person had not been a slave.

(signed) *J. P. Grant,*

Officiating Sec^y to Government of India.

DRAFT ACT (B.)

It is hereby Declared and Enacted, That no act which would be an offence if done against a free person, shall be exempted from punishment because it is done against a slave.

(signed) *J. P. Grant,*

Officiating Sec^y to Government of India.

No. 2.
INDIA.

(No. 359.)

No. 6.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to
T. H. Maddock, Esq. Officiating Secretary to the Government of *India* with
the Governor-general, dated 27 May 1839.

Sir,

Legislative.

WITH reference to your letter, dated the 6th instant, I am directed by the
honourable the President in Council to forward to you, for the information of
the Right honourable the Governor-general, copies of the letters addressed on the subject
of slavery in India, as noted in the margin.

To the chief secretary to the Government of Fort St. George, the Right honourable the Governor-general,
secretary to the Government of Bombay, and Indian Law Com-
mission, dated 27 May 1838.

To the Indian Law Commission under the same date.

I have, &c.

(signed) *J. P. Grant*,
Officiating Secy to Government of India.

Fort William, 27 May 1839.

EXTRACT LEGISLATIVE CONSULTATIONS, 2 September 1839.

(No. 627.)

No. 11. From *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*,
to *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, dated
30 July 1839.

Sir,

Judicial Dep.

17 July 1839
No. 130.

WITH reference to your letter of the 27th May last, No. 341, I am directed by
the Right honourable the Governor in Council to transmit for the information
of the honourable the President in Council the accompanying copy of a letter
from the acting register of the Sudder Adawlut, submitting the sentiments of
that court on the several points referred to in your letter under reply, on the
subject of slavery in India, and to intimate that his Lordship in Council entirely
concurs in the opinions expressed by the judges, and considers it will be pre-
ferable not to legislate at all in respect to slavery until the whole question in all
its bearings has been fully considered.

I have, &c.

(signed) *H. Chamier*,
Chief Secretary.

Fort St. George, 30 July 1839.

(No. 130.)

No. 12.
Enclosure.

From *T. H. Davidson*, Esq. Acting Registrar, Sudder Adawlut, *Fort St. George*,
to the Chief Secretary to Government, dated 17 July 1839.

Sir,

I AM directed by the judges of the Sudder Adawlut to acknowledge the receipt
of the extract from the Minutes of Consultation under date the 2d July 1839,
No. 530, forwarding copies of a letter, dated 27 May last, from the officiating
secretary to the Government of India, and of the papers which accompanied that
communication, on the subject of slavery in India, with reference especially to a
despatch from the Honourable the Court of Directors, desiring the Government
of India to pass an Act, to the effect of a provision suggested in Note (B.) of the
Penal Code, and requiring the Court of Sudder Adawlut to submit their sentiments
on the several points therein referred to.

2. The first question on which the sentiments of this court are required by
Government is "Whether or not it is expedient now to pass any special law to
the effect of that of which a copy is annexed, 'declaring and enacting that any
assault committed or personal injury inflicted on a slave shall be punishable in
the same manner as if such assault had been committed or personal injury in-
flicted on a free person?'"

3. With reference to the observation in paragraph 5, of the letter from the
officiating secretary to the Government of India, dated 27th May 1839, that
much variance "in the practice of magistrates exists as to the recognizing the
right

right of moderate correction by a master of his slave," the judges of the Sudder Adawlut remark, that the circular order of the Foujdaree Adawlut of the 27th November 1820, has laid down a uniform course of procedure in this respect, and that inasmuch as no specific penalty is prescribed in the Regulations for assaults exceeding the jurisdiction of the magistrate, under sect. 32, Regulation IX. of 1816, the criminal judge is required, under the provisions of sect. 7, Regulation X. of 1816, as illustrated by the Circular Order of 28th January 1828, to be guided in such cases by the Mahomedan law, which does not make a master liable to punishment for correcting his slave, in a lawful manner, for an offence incurring discretionary punishment under that law.

4. "Regulations for the punishment of servants," for breach of duty, "or departure from proper demeanor," have been enacted in section 18, Regulation XI. of 1827, in the Code of Bombay, but there are no such provisions in force under this presidency, where, therefore, the comparison between the condition of a servant and that of a slave exempted from correction by his master, cannot be made.

5. In the Note (B.) to the Penal Code it appears to be argued that the masters of slaves, in these territories, exact service by the use of violence, and that the sense of reciprocal benefit is not brought into operation under the system of slavery there prevailing.

6. But the information contained in the official reports on this subject does not appear to warrant this conclusion. It is certain that the ill treatment of slaves by their masters is not general, if indeed it exists at all to any great degree; and as a motive, in the nature of that adverted to by the Law Commission as not existing, it is observable that the slave is fed, housed, and clothed by his master. The enactment of a penal code abrogating all reference to the Mahomedan law will set aside the rule above-mentioned; and under the general provisions for the punishment of assaults, the masters of slaves will, by the operation of that "abhorrence of slavery" noticed in the letter from the officiating secretary to the Government of India, be deprived of any power which they may now exercise, of enforcing obedience by personal correction.

7. Some interval must elapse before the promulgation of a penal code; the subordinate functionaries whose opinions have been required upon that framed by the Law Commission, have not yet all sent in their opinions, and the judges of this court have yet to commence the "laborious revision" of this code imposed upon them, as well as to digest the opinions laid before them. The occupation of their time and attention by their proper judicial duties leaves little leisure for this arduous undertaking.

8. But it does not appear to the Court of Sudder Adawlut that in the meantime any special enactment on the subject is required. The observations in the letter under consideration show that there are grave reasons for questioning the expediency of any special legislation on the point in question; and that any practical good, commensurate with the danger of evil, would result from enacting the proposed law, cannot, in the opinion of the judges of the Sudder Adawlut, be expected.

9. With reference to the second question in paragraph 8, it appears to the judges that no satisfactory conclusion as to the claim for compensation could be formed, or estimate as to the quantum of compensation be made, without local inquiries, into which it would not be proper for this court to enter without the special authority of the Government.

10. The provisions in the Bombay Code for the punishment of servants would be nugatory in the case of slaves, from whom a fine could not consistently be levied, and to whom "ordinary imprisonment without labour" for 14 days would be rather a boon than a punishment.

11. If a law of the nature proposed shall be determined upon, there can, in the opinion of the judges of the Sudder Adawlut, be no doubt that the Draft Act (A.) would be preferable to (B.) for the reasons stated in paragraph 9 of Mr. Secretary Grant's letter.

12. The latter Act would, in the opinion of the Sudder Adawlut, be calculated to occasion serious misconception.

I have, &c.

(signed)

T. H. Davidson,

Sudder Adawlut Registrar's Office, 17 July 1839.

Acting Registrar.

(A true copy.)

(signed)

H. Chamier, Chief Secretary.

No. 2.

INDIA.

No. 13.

(No. 2037 of 1839.)

From *L. R. Reid*, Esq. Acting Chief Secretary to Government of *Bombay*, to the Officiating Secretary to the Government of *India* in the Legislative Department, dated 5 August 1839.

Sir,

Judicial Department.

IN acknowledging the receipt of your letter, dated the 27th of May last, No. 342, enclosing the draft of a proposed Act, providing that a personal injury or an assault committed on a slave, shall be punishable in the same manner as if committed on a free person, I am directed by the honourable the Governor in Council to transmit to you, to be laid before the honourable the President in Council, copy of a letter from the registrar of the Sudder Foujdaree Adawlut, dated the 20th ultimo, reporting the opinion of the judges of that court, that there is no necessity to pass a special law for the protection of slaves under this presidency, since the laws at present in force are applicable to them, and an offence which would be punishable when committed against a freeman, would not be exempt from punishment if done against a slave.

I have, &c.

Bombay Castle,
5 August 1839.

(signed) *L. R. Reid*,
Acting Chief Secretary to Government.

(No. 1254 of 1839.)

From *P. W. Le Geyt*, Esq. Registrar, to *J. P. Willoughby*, Esq. Secretary to Government *Bombay*, dated 20 July 1839.

No. 14.
Enclosure.

Sir,

I AM directed by the judges of the Sudder Foujdaree Adawlut to acknowledge your letter, No. 1675, dated the 3d instant, giving cover to a despatch from the officiating secretary to the Government of India, on the subject of a proposed law relative to a personal injury, or an assault committed on a slave, and requesting their opinion on the same.

2. In reply, I am instructed to observe, that there does not appear to be any necessity to pass a special law for the protection of slaves throughout the zillahs of this presidency, as the law in force is as applicable to them as to freemen, and no offence done against a freeman is by the Bombay Code exempted from punishment because it is done against a slave.

3. As the power of a master to correct his slave has never been admitted by our code, the general practice of the magistrates has been against it, although exceptions are quoted in the Note (B.) to the Penal Code, and it is not considered that a strict enforcement of this rule would be looked upon by the community as an infringement of right, or a deterioration of property, for masters are also protected against the misconduct of their slaves, as the regulations for the punishment of servants contained in section 18, Regulation XII. of 1827, have been ruled by this court, under date the 4th November 1830, to be applicable to slaves.

I have, &c.

(signed) *P. W. Le Geyt*, Registrar.

Bombay Sudder Foujdaree Adawlut,
20 July 1839.

(True copy.)

(signed) *L. R. Reid*, Acting Secy to Government.

MINUTE by the Honourable *A. Amos*, Esq. dated 27 August 1839.

No. 15

THE Governor-general expressed a wish that the governments of Madras and Bombay should be consulted on the subject of the expediency of passing the Slavery Act, in order that we might form a more satisfactory judgment as to the propriety of delaying to conform immediately to the instructions for passing the Act received from the honourable Court of Directors. In pursuance

suance of the recommendation of the Governor-general, advices upon the subject have been obtained from Madras and Bombay. Nothing remains but to forward the papers to his Lordship and to the home authorities.

It will be observed, that the Bombay government do not give us any opinion of their own, but it forwards, without comment, the opinion of the Sudder Court of that presidency. The Bombay Sudder Court think that there is not any necessity to pass the special law. They further observe, that such a special law would not work injustice or inconvenience, nor call for compensation, for a reason (the only one assigned) which certainly does not apply to the other presidencies, viz. that in Bombay the magistrate will enforce the services of a slave.

It may be remarked, that the construction given to section 18, Regulation XII. of 1827, of the Bombay Code, by the Bombay Sudder Court, is at least open to very grave doubt in point of law. The operation of this construction, in cases decided with reference to it, seems to call for inquiry.

It is observed by the Bombay Sudder Court, that the power of a master to correct a slave is not recognized by the code, nor by the general practice of magistrates. This, as to immoderate correction, is the established law of the country, and practice of magistrates over the whole of India. The only question upon the subject regards moderate correction for misconduct, according to the Bombay judges: this also is prohibited by the Bombay Code, because not admitted by it. I think it would be satisfactory to ask the Bombay judges, whether they hold, upon the same grounds, that it is punishable in a master to give moderate correction to a servant, young or old, not being a slave, and whether, in point of fact, these cases of moderate correction by masters are not of a nature that they seldom, if ever, are brought before a magistrate? With regard to the general practice spoken of, I should like the Bombay judges to be asked, how many cases of moderate correction they adverted to, as constituting such general practice?

The Madras government and Sudder Court both concur with the Supreme Government in thinking that there are grave reasons for questioning the expediency of the proposed law; and they say, that no practical good, commensurate with the danger of evil, can be expected to result from the proposed law.

With regard to the question of compensation, it is the opinion of the Madras authorities, that it cannot be satisfactorily disposed of without further local inquiry. This alone is a strong reason for not passing the Act immediately.

The Madras authorities consider that a regulation similar to that in the Bombay Code would not answer for the Madras presidency, either as regards servants or slaves, but more particularly as regards slaves; but if servants are punishable by moderate correction within the Madras presidency, then the judges are not right in saying that no comparison can arise in the Madras presidency between the condition, in this respect, of servants and of slaves under the proposed Act. I have before observed, that the point is doubtful under the English law, Hawkins laying it down broadly, that a master may correct his servant, and the right being recognized by more unequivocal authority in the case of apprentices.

The Madras authorities think, that an Act in the express terms of Note (B.) would be calculated to occasion serious misconception.

(signed) *A. Amos.*

27 August 1839.

(No. 472.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to *L. R. Reid*, Esq. Acting Chief Secretary to the Government of *Bombay*, dated 2 September 1839.

No. 16.

Sir,

I AM directed by the honourable the President in Council to acknowledge the receipt of your letter, No. 2037, under date the 5th ultimo, with its enclosure, and in reply to communicate the following observations:

Legislative

2. His Honor in Council is of opinion that, for the purpose of the Report on slavery, as well as with respect to the particular Act under consideration, it will

No. 2.
INDIA.

be desirable to inquire of the Company's advocate at Bombay, whether in any proceeding for false imprisonment, the Bombay Regulation would amount to a legal justification, the person imprisoned being a slave, and not under any specific contract of service.

3. It is desirable also to inquire of the judges of the Sudder Foujdarry Adawlut at Bombay what is the number of cases in which the regulation has been put in force against slaves; and whether, under the Bombay Regulations, a master punishing a servant (not being a slave), young or old, by moderate correction, for gross negligence or misconduct, would be punishable as for an assault.

4. With regard to the "general practice of magistrates," there is no doubt that as regards immoderate correction, or even moderate correction without fault, every kind of law, and the universal practice of magistrates throughout India, is in favour of the slave. What his Honor in Council particularly desires to know is, whether the Sudder Foujdarry Adawlut mean that the general practice applies to moderate correction for negligence or misconduct. If such be the case, he is further desirous of being informed of the number of cases in which masters have been punished by magistrates for moderate correction of their slaves.

I have, &c.

(signed) *J. P. Grant,*

Officiating Secy to Government of India.

Fort William, 2 Sept. 1839.

(No. 471.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to *T. H. Maddock*, Esq. Officiating Secretary to the Government of *India* with the Governor-general, dated 2 September 1839.

Sir,

No. 17.
Legislative Department.

In continuation of my letter, No. 359, of the 27th May last, I am directed by the honourable the President in Council, to forward to you, for the information of the Right honourable the Governor-general of India, copies of the papers as noted on the margin respecting the Slavery Act.

Letter from Chief Secretary to the Government of Fort St. George, dated 30 July 1839, with Enclosure.
Letter from Acting Chief Secretary to the Government of Bombay, dated 5 Aug. 1839, with Enclosure.
Minute by the Honourable Mr. Amos, dated 27 August 1839.
Letter to Acting Chief Secretary to the Government of Bombay, dated 2 Sept. 1839.

I have, &c.

(signed) *J. P. Grant,*

Officiating Secy to Government of India.

Fort William, 2 September 1839.

EXTRACT LEGISLATIVE CONSULTATIONS, 21 October 1839.

No. 1.

From *T. H. Maddock*, Esq. Officiating Secretary to the Government of *India* with the Governor-general, to *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*.

Sir,

Fort William, 30 September 1839.

Legislative.

I AM directed to acknowledge the receipt of your letter, No. 471, dated the 2d instant, with enclosures, respecting the Slavery Act, and to state in reply that the Governor-general will await the receipt of the answer of the Law Commissioners to the letter addressed to them by order of the honourable the President in Council on the 27th May last, No. 222, before he records any opinion on the papers submitted with your letter under acknowledgment.

I have, &c.

(signed) *T. H. Maddock,*

Officiating Secy to Government of India
with the Governor-general.

Simla, 30 September 1839.

AND MEASURES TAKEN FOR ITS ABOLITION

EXTRACT LEGISLATIVE CONSULTATIONS, 24 June 1839.

No. 2.
INDIA.

(No. 192.)

From *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, to
J. P. Grant, Esq. Officiating Secretary to the Government of *India*, dated
13 June 1839.

No. 54.

Sir,

I AM directed by the Law Commissioners to acknowledge the receipt of your letters, dated 27 May, Nos. 222 and 223, and to request that you will inform his Honor in Council that the subjects referred to the Law Commission in both these letters, are now under their consideration, with a view to their general Report upon slavery in India.

2. As it will be shortly ready for presentation, the Law Commissioners submit that the most convenient and satisfactory mode of accomplishing the wishes of his Honor in Council will be to proceed with that Report.

I have, &c.

(signed) *J. C. C. Sutherland*, Secretary.

Indian Law Commission, 13 June 1839.

EXTRACT LEGISLATIVE CONSULTATIONS, 27 May 1839.

(No. 223.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to the
Indian Law Commissioners, dated 27 May 1839.

No. 5.

Gentlemen,

As bearing upon the general question of slavery in India, to which my letter to your address of this date, No. 222, relates, I am directed by the honourable the President in Council to request that you will prepare, and submit for the consideration of Government, a note of the present state of the law and practice in India relative to the sale of children.

Legislative Department.
Sale of Children.

2. It has been observed to the President in Council, that the subservience of a dancing girl to her keeper, is perhaps not greater in India than that of the young prostitute to the panders of Paris and of London, and no magistrate in these days would construe it to be slavery, or in any way sanction the right of control which is assumed. Yet the power over these girls is acquired by purchase; and it is suspected that the traffic in children, for the supply of the zenana and the brothel, is a source of extensive crime, upon the temptation to which gangs even of systematic murderers, as appears by the published Report upon the Megpunnah Thugs, have been founded. All crimes, indeed, by which the possession of the child is obtained, are already punishable by law, but it has been observed that such crimes are not easily detected, and that it seems probable that far too much of facility exists in the traffic which follows upon the possession.

3. The opinion and suggestions of the Indian Law Commissioners are requested on this subject in a separate report, as it appears to the President in Council to be a question which, supposing it to require legislation, might be conveniently legislated upon without reference to the question to which my separate letter of this date relates.

I have, &c.

(signed) *J. P. Grant*,
Officiating Secy to the Government of India.

Council Chamber, 27 May 1839.

(No. 768.)

No. 3.

From *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*, to *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, dated 24 September 1839.

Sir,

Judicial Department. WITH reference to the correspondence noted in the margin, I am directed by From the Officiating Secretary to the the Right honourable the Governor in Council to transmit to you, Government of India, dated 9 Jan. for submission to the honourable the President in Council, the 1839, No. 6. accompanying copy of a Circular Order, No. 111, of the Foujdary To ditto, dated 29 ditto, No. 86. Adawlut.

I have, &c.

(signed)

H. Chamier,

Chief Secretary.

Fort St. George, 24 Sept. 1839.

No. 4.

Enclosure.

EXTRACT from the Proceedings of the Foujdary Adawlut, under date the 17th Sept. 1839.

(Circular Order.)

(No. 111.)

DOUBTS having been entertained as to the course of proceeding it is legally competent to a magistrate to adopt in the case of the sale of a child by its parent in the provinces under this presidency, and the Mahomedan law officers of the Foujdary Adawlut having declared that, according to the Mahomedan law, the act is not punishable when committed in a season of famine, and that at all other times it is punishable by tazeer, the Court of Foujdary Adawlut resolve to promulgate that opinion for the information and future guidance of the judicial officers, subject to their control.

Ordered, that extract from these proceedings be sent to the four provincial courts of circuit, with instructions to communicate the same to the several criminal judges and magistrates within their respective divisions, by precept returnable within 10 days from and after its receipt.

(True extract.)

(signed)

T. H. Davidson, Acting Registrar.

(No. 541.)

No. 5.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*, dated 21 Oct. 1839.

Sir,

Legislative Department.

I AM directed by the honourable the President in Council, with reference to your letter of the 24th ultimo, inclosing a circular order issued by the Court of Foujdary Adawlut on the sale of children by their parents, to request that the Right honourable the Governor of Fort St. George in Council will call upon the court to report the circumstances under which the issue of that circular order was thought advisable. The subject to which it alludes has lately been specially referred for the consideration of the Indian Law Commissioners, and that body have taken it into present consideration, in connexion with the subject of slavery in India.

I have, &c.

(signed)

J. P. Grant,

Officiating Secy to the Government of India.

Fort William,
21 Oct. 1839.

(No. 436.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to
J. C. C. Sutherland, Esq. Secretary to the Indian Law Commission, dated
 21 October 1839.

No. 2.
 INDIA.
 No. 6.

Sir,

IN continuation of my letter, No. 223, of the 27th of May last, I am directed by the honourable the President in Council to forward to you, for the consideration of the Indian Law Commissioners, the accompanying copies of a circular order issued by the court of Foujdary Adawlut at Madras, on the sale of children by their parents, and of a letter this day addressed to the secretary to the Government of Madras on the subject thereof.

Legislative Department.

I have, &c.

(signed) *J. P. Grant*,

Officiating Secy to the Government of India.

Council Chamber, 21 October 1839.

(No. 540.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to
T. H. Muddock, Esq. Officiating Secretary to the Government of *India* with
 the Governor-General, dated 21 October 1839.

No. 7.

Sir,

WITH reference to my letter, No. 359, of the 27th of May last, I am directed by the honourable the President in Council to forward to you, for the information of the Right honourable the Governor-general, the accompanying copies of papers, as noted on the margin, respecting the sale of children by their parents.

Legislative Department.

Letter from Chief Secretary to Government of Fort George, dated 24 September 1839 with Enclosure.

Letter to ditto, dated 21 October 1839.

Letter to Secretary Indian Law Commission, dated October 1839.

I have, &c.

(signed) *J. P. Grant*,

Officiating Secy to the Government of India.

Fort William, 21 October 1839.

EXTRACT LEGISLATIVE CONSULTATIONS, 16 December 1839.

(No. 936.)

From *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*,
 to *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, dated
 27 November 1839.

No. 20.

Sir,

WITH reference to your letter of the 21st ult. No. 541, I am directed by the Right honourable the Governor in Council to transmit, for the information of the honourable the President in Council, the accompanying copy of a letter from the acting registrar of the Foujdary Adawlut, explanatory of the circumstances under which the issue of that court's Circular Order, No. 111, regarding the sale of children by their parents, was considered advisable.

Judicial Department.

Dated 19 Nov. 1839, No. 219.

I have, &c.

(signed) *H. Chamier*, Chief Secretary.

Fort St. George, 27 November 1839.

(No. 219.)

From *T. H. Davidson*, Esq. Acting Registrar Foujdary Adawlut, to the Chief
 Secretary the Government, dated 19 November 1839.

No. 21.
Enclosure.

Sir,

I AM directed by the judges of the Foujdaree Adawlut to acknowledge the receipt of the Order of Government, dated 8 Nov. 1839, No. 887, transmitting a communication, under date the 21st ult. from the officiating secretary to the

CORRESPONDENCE ON THE SLAVE TRADE,

No. 2.
INDIA.

Government of India, and requiring the court to report the circumstances under which the issue of their Circular Order, No. 111, regarding the sale of children by their parents, was thought advisable, and to submit the following explanation on that point.

2. During several years past, references have from time to time been made to the Foujdaree Adawlut, by the judicial officers in the provinces, for instructions in regard to the disposal of cases wherein persons were charged with the sale and purchase of children for different purposes.

3. On the 24th May 1817, the magistrate of Vizagapatam, reported that "a Hindoo woman made a verbal complaint before him that a police peon of the same caste had failed in his engagement with her in the purchase, as a slave, of her infant son, aged seven months. The child was sold for eight rupees, but the peon refusing the mother access to her infant, and not having procured her eldest son an employment as stipulated, the mother entreated permission to return the purchase-money and to receive her infant again.

4. This most extraordinary purchase and sale, the magistrate observed, was cancelled at his particular desire, for he could not satisfy himself as to the manner in which the complaint should be judicially determined, both parties being in his opinion, equally culpable; but on being informed by the judge of the zillah that the case was cognizable only by the civil court, he referred the matter for the consideration of the Foujdaree Adawlut, observing, that if the opinion of the zillah judge, that under the existing regulations the parties were not liable to a criminal prosecution, were correct, it was "high time that the defect in the law, was rectified, and that slave dealing was declared to be abolished in India."

5. In reply to this reference, the Court of Foujdaree Adawlut, in their proceedings under date the 20th June 1817, observed, that "the matter is connected with the religious usages and institutions of the native subjects of this Government, and it is cognizable, as a civil action, under the provisions of section 16, Regulation III. of 1802," and that "the magistrate is not authorized to take cognizance of the matter in question."

6. On the 5th December 1825, the collector of Tinnevelly brought to the notice of the Foujdaree Adawlut through the provincial court for the southern division, "a custom" which the collector observes, "is, I believe more or less prevalent throughout the Madras territories, and as far as my own observation has gone, is more frequent in the district of Tinnevelly. The practice I allude to," continued the collector, "is the sale and purchase of female children by dancing women, for the avowed purpose of bringing them up to a life of immorality. The custom is so notorious, and its abominable tendency so evident, that no comment can be necessary; but I am apprehensive that unless it be specifically excepted from those purchases of children which are now (under some circumstances) legal, an opinion may be entertained that such dealings are countenanced by law. A prohibition of such transactions could not be complained of as an infringement of any acknowledged rights; it would serve as a check upon child-stealing, which is occasionally practised under the pretence of purchase, any the public expression of the will of the Government could not but have a beneficial tendency to promote morality."

7. In conclusion the collector recommended that the practice in question should be "prohibited by law."

8. The judges of the provincial court submitted their opinion, that there was "not any occasion for the interference of Government, or for any special authority to be given to the magistracy to prevent the sale of children to persons described in the collector's letter. The sale of a child," the provincial court observed, "excepting under very particular circumstances, is punishable under the Mahomedan law, and if the magistrate is of opinion that the people are not aware of the fact, he has full authority, in virtue of his office, to issue a notification declaring that the crime of child-selling is punishable by law."

9. In laying the papers before Government, the Foujdaree Adawlut recorded their concurrence in the opinion of the provincial court.

10. By a letter, dated the 13th January 1826, from the secretary to Government, the Court of Foujdaree Adawlut were informed that the Governor in Council entirely concurred with the judges in deeming any enactment unnecessary; and with reference "to its connexion with the ceremonies and observances, both civil and religious, of the great bulk of the people," remarks were added

added in regard to the necessity for caution in conducting any interference at all with the view of preventing parents or guardians from assigning children, in the customary modes, to be brought up to the profession of dancing women.

11. On the 16th August 1839, the same provincial court (southern) submitted a communication from the magistrate of Trichinopoly, in which that officer requested to be informed "whether the sale of a child by its mother is considered, under the existing regulations an offence cognizable by the magistrate, and whether he is, in such a case, to be content, as has hitherto been the practice in this district, with using his influence to annul the sale or to send the case for final adjudication to the criminal court;" and on this occasion the judges of the provincial court submitted their opinion, "that some specific penalty should be promulgated for the purpose of checking an offence so revolting to humanity, and that it should not be left at the discretion of the magistrate merely to use his influence to annul a sale of this description."

12. On receiving this reference, the Court of Foujdaree Adawlut called upon their Mahomedan law officers to state whether under that law, the mother, in the case reported by the magistrate of Trichinopoly, would be liable to punishment; and in their answer those officers declared that she was liable to tazeer, or discretionary punishment.

13. It being found, on reference to the records of this court, that in case No. 7 of the Malabar Calendar for the fourth quarter sessions of 1819, the Mahomedan law officers had delivered in a futwa, declaratory of the non-liability to punishment of a party selling his or her child, the court called upon their law officers to submit their reasons for dissenting from the futwa of their predecessors in the case above mentioned; and those officers then repeated the opinion already given, observing that it was accordant with the decisions recorded in the Books of Huneefah that at a time when scarcity does not prevail, the people of this country are forbidden to sell their children, and that to do so renders them liable to tazeer.

14. Of the correctness of this last opinion, there could be no doubt; and the Court of Foujdaree Adawlut, advertng to the different references made to them on the subject, the discordant opinions which had been given, and the doubts generally entertained by the officers in the provinces as to the course they were authorized to pursue in such cases, deemed it proper, as stated in the Circular Order under consideration, to promulgate that opinion, with reference to the provisions of s. 7, Regulation X. of 1816, for the information and future guidance of the judicial officers subject to their control.

(signed) *T. H. Davidson*, Acting Registrar.

Foujdaree Adawlut Registrar's Office,
19 November 1839.

(A true copy.)

(signed) *H. Chamier*, Chief Secretary.

(No. 497.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to
J. C. C. Sutherland, Esq. Secretary to the Indian Law Commission, dated
16 December 1839.

No. 22.

Sir,

In continuation of my letter to your address of the 21st ultimo, I am directed by the Honourable the President in Council to transmit, for the information of the Law Commissioners, copies of letter from the chief secretary to the government of Fort St. George, and of its enclosure, explanatory of the circumstances under which the issue of the Circular No. 111, from the Foujdary Adawlut of that presidency, regarding the sale of children by their parents, was considered advisable.

Legislative Department.

I am, &c.

(signed) *J. P. Grant*,

Officiating Secretary to Government of India.

Council Chamber,
16 Dec. 1839.

— No. 3. —

B E N G A L.

SALE of SLAVES in *Loodiana*.—Sale of Children at *Kasheepore*.—Debtor Slavery in the *Tenasserim* Provinces.—Suits for the Recovery of Slaves in *Saugor*.—Slavery in *Assam*.

No. 3.

B E N G A L.

— No. 1. —

EXTRACT from the NOTES and NARRATIVES of the Proceedings of the Government of *Agra*, in the Political Department, for the Month of May 1835.

Respecting the sale
and purchase of
slaves in *Loodiana*.
Proceedings
16 May 1835.
Nos. 10 to 12.

Para. 145. THE papers recorded as per margin relate to the sale and purchase of slaves in *Loodiana*. The agent at Delhi was called upon to furnish a report on the subject, and informed at the same time, that the settlement of the question would depend upon the extent to which we had hitherto carried our interference with the internal administration of the town of *Loodiana*.

EXTRACT POLITICAL DESPATCH to *India*, dated 7 February (No. 10) 1838.

Narrative for May 1835.
(Para. 145.) Report called for
respecting the sale and purchase
of slaves in *Loodiana*. Question
as to the right of government
to prohibit the traffic.

Para. 56. THE subsequent escheat of *Loodiana* to your Government removes the doubt concerning the applicability to that place of the British regulations against the slave trade. We are glad to observe that Runjeet Sing has issued an order prohibitory of the traffic in the Hill States subject to his authority.

— No. 2. —

EXTRACT AGRA PRESIDENCY, POLITICAL PROCEEDINGS, dated 16 May 1835.

No. 10.

From *W. H. Macnaghten*, Esq. Secretary to the Government of *India*, to *R. H. Scott*, Esq. Secretary to the Government of *Agra*, in the Political Department, dated 27 April 1835.

Sir,

Political Depart-
ment.

I AM directed to forward for the orders of the honourable the governor of *Agra*, an original letter, and its enclosure, received from the Governor-general's agent at Delhi, which, as it relates to a matter of local jurisdiction on this side of the *Sutledge*, properly comes within the cognizance of the *Agra* government.

2. I am at the same time instructed to observe, that in the opinion of the honourable the Governor-general in Council, the settlement of the present question must depend upon the extent to which we have hitherto carried our interference with the internal administration of the town of *Loodiana*.

I have, &c.

(signed) *W. H. Macnaghten*,
Secretary to the Government of *India*.

Fort William,
27 April 1835.

— No. 3. —

No. 3.
BENGAL.

No. 11.

From *J. J. Metcalfe*, Esq. Officiating Agent Governor-general, *Delhi*, to
W. H. Macnaghten, Esq. Secretary to the Government of *India*, *Fort*
William, dated 10 April 1835.

Sir,

I HAVE the honour to forward for the orders of the honourable the Governor-general of India in Council, the accompanying despatch, in original, from Captain Wade, political agent at Loodiana.

I have, &c.

(signed) *J. J. Metcalfe*,

Delhi Agency, 10 April 1835.

Officiating Agent Governor-general.

— No. 4. —

From Captain *C. M. Wade*, Political Agent, &c. to *W. H. Macnaghten*, Esq.
Secretary to the Government of *India*, *Fort William*, dated 3 April 1835.

No. 12.

Sir,

I HAVE the honour to transmit a copy of a letter which I lately received from the deputy judge advocate-general of the Sirhind division (wishing to receive a copy of any proclamation that may have been issued in the town of Loodiana against the procuring of slaves), and a copy of my reply, together with copies of a correspondence which passed in my office on the trial of Moti, to which Captain Hough refers, as well as of another, regarding some children who were kidnapped some time ago from Delhi, and carried to the opposite side of the Sathledj by some subjects of the British Government in the Delhi territory, and also of Patialah.

2. In my predecessor's time a reference appears, from the records, to have been made by him to Sir D. Ochterlony, to ascertain whether the regulations of the British Government regarding the sale and purchase of slaves was to be considered in force in the town of Loodiana; Sir David stated in reply, that although it had been deemed necessary to establish a control in the town by the form of the sayar and abkari, Government had not claimed any right of interference with the laws which governed it, but the kotwal of the town being an officer of the British Government, we might interdict the use of his official seal and authority to any deeds involving a property in slaves.

3. Such remained the state of the case until the trial of Moti, who being a resident of the cantonment, she was considered amenable to trial for her offence by British law, and sentenced by a general court-martial to a fine, and confinement of six months in the gaol at Ambala.

4. The case which led to Captain Hough's reference, was that of a drummer of one of the native regiments stationed here, who purchased some young girls who were brought and sold here during the late famine in Cashmir. His contract of purchase was either to marry or maintain them in his own family, but in reality he disposed of them to prostitution at Kurnal. The drummer was also tried by a general court-martial, and has recently been sentenced to the same punishment as the other.

5. In the former of these cases no one appeared to claim the children. Their parents were inhabitants of the right bank of the Sathledj, where I succeeded in tracing them. In the latter a parent claimed his child, and they were both sent to me to enable me to inquire into the validity of the claim. As the drummer was also subject to the authority of cantonments, and I did not think myself competent to try his case, I made him over to the commanding officer.

6. When I drew the attention of Maharajah Runjit Singh's agent to the case of Moti, with the view of establishing the manner in which she became possessed of the girl sold by her, I deemed it my duty to observe to him, that although the British Government had no right to prevent the sale and purchase of slaves within his master's country, if he thought proper to permit the practice, there was no reason why his people should cross the frontier and make the

No. 3.
BENGAL.

limits of a British cantonment the scene of a traffic that was prohibited by the laws of our Government.

7. Having stated the nature of the enclosed papers, and considering the responsibility which attaches to me in the degree of interference that I may be disposed to exercise for the suppression of a practice which, though repugnant to British law, is very different in general, both as to the mode in which it is pursued in this country, as well as in its general effects, to that slavery, the gradual extinction of which has engaged the humane attention of the British Legislature; and adverting also to the various communities of people who are settled here from different parts of Asia, and the interest which they have in a decision of the question, I am anxious to obtain the sentiments of Government, whether I am entitled to issue a proclamation in the town of Loodiana, for the total prohibition of the practice, or to content myself with exercising the right to suppress the evil merely in those cases where children have been kidnapped from their parents, or where any means opposed to the religious and conventional laws of the people have been adopted to prosecute the trade. My interference has hitherto been confined to these two cases alone, and in the last only where a breach of these laws has been officially brought under my notice.

8. There are many cases where children are disposed of by their parents, and domesticated with families more as apprentices than slaves, in which, whatever may be the moral abhorrence with which I may be inclined to view the subject in my own mind, I should hesitate to exercise an interference, the practical operation of which might be found to be open to great objections, and to invade rights with which Government has hitherto made no profession of interfering in a foreign territory.

9. In any event, I beg to suggest to the consideration of Government, whether on the occasion of a regulation being issued by the British Government, such as that against slavery, on a knowledge of which by the subjects of neighbouring states, as well as those of our own Government, essentially depends its efficiency, it would not be advisable to furnish its political agents with a copy of it, in order that the chiefs and people connected with their offices may have an opportunity of learning their provisions, and profiting, if they please, by the legislation of a Government, the laws and institutions of which, as in the case of Runjit Singh, they are sometimes desirous of imitating and introducing in the administration of their own affairs.

Loodiana,
3 April 1835.

I have, &c.
(signed) C. M. Wade,
Political Agent.

To Captain *Wade*, Political Agent, *Loodiana*.

(No. 120.)

Sir,

D. J. A. General's Office, Kurnal,
19 December 1834.

I HAVE the honour to request the copy of any proclamation issued by you in the town of Loodiana, either before or after the trial of Moti, native woman, for slave-procuring, at Loodiana, in September 1833. The native general court-martial will be held here on the 23d instant.

I have, &c.
(signed) W. Hough,
D. J. A. General, Sirhind Division.

To Captain *W. Hough*, Deputy Judge Advocate General, Sirhind Division.

Sir,

IN reply to your letter of the 19th instant, received yesterday, I beg leave to state, that I have no copy of a proclamation issued by me against slave-dealing at Loodiana beyond what was produced before you during the trial of Moti, not considering myself empowered to issue such a proclamation in a foreign

foreign territory without the previous authority of Government, though I have both orally and in writing since frequently warned the local authorities that such a practice was contrary to the regulations of the British Government, a warning which is not only well understood by them, but by the people of the town and cantonments, several cases of slaves being introduced from the opposite bank of the Sathledg having occurred here, as well as at Ambalah, subsequently to Moti's trial, of public notoriety, in which, when the girls were sold to prostitution, the contract was annulled, and the purchasers fined; and recently an order has been issued by Maharajah Runjit Singh, to prohibit this traffic altogether in the Hill State under his dominion. The cantonment of Loodiana being under the British jurisdiction, its inhabitants are, I presume, amenable to the British slavery laws.

Loodiana,
23 December 1834.

I have, &c.
(signed) C. M. Wade,
Political Agent.

To Major R. C. Faithfull, Commanding at Loodiana:

Sir,

I BEG leave to transmit a copy of a report from the police officer at Ambala, which Mr. Clerk has forwarded to me, stating that a woman of that place named Malikan, had arrived there with a girl 10 years of age, purchased by her from Moti, a professional woman, residing in the Loodiana cantonments.

2. On making inquiries into the subject, with the view of restoring the girl to her parents, I find that the circumstance stated by the Ambala police officer is correct.

3. Enclosed is a copy of the result of my proceedings, from which you will perceive that the woman named Moti employed a Banjara, who lives across the Sathladj, to procure two young girls for her; that she hired three men to accompany the Banjara for the purpose of bringing the girls to her; and that when brought she sold one to Malikan, and kept the other herself. I have informed the Lahore wakil that as the traffic in slaves is contrary to the regulations of our Government, I hope his master will take effectual measures to prevent his subjects from crossing the frontier, and making the limits of our authority a scene for the purchase and sale of them; and have deemed it my duty to address you on the subject, that you may take such notice of the case as you may deem necessary as regards the conduct of Moti.

Loodiana,
5 July 1833.

I have, &c.
(signed) C. M. Wade,
Political Agent.

To Captain Wade, Political Agent, Loodiana.

Sir,

Loodiana, 6 July 1833.

I BEG to acknowledge the receipt of your letter of 5th instant.

As I fully concur with you in the necessity that exists of putting an end to the very pernicious traffic of slaves that prevails so much in this neighbourhood, I beg to inform you that I am prepared to apply to the division head-quarters for a general court-martial, to be assembled for the trial of the woman Moti, if you consider that you can produce sufficient evidence to elucidate the facts.

The woman has been called on to furnish securities till I may hear from you again.

I have, &c.
(signed) R. C. Faithfull,
Major Commanding at Loodiana.

No. 3.
BENGAL.

To Captain *Wade*, Political Agent at *Loodiana*.

Sir,

MOTI, the person charged by your communication of the 5th instant with the purchase and sale of slaves, having failed to produce bail, I was compelled to place her in confinement pending your reply to my letter of the 6th instant.

Will you do me the favour to furnish the communication called for at your earliest convenience, to prevent any unnecessarily lengthened confinement of the prisoner, and I should wish to receive a list of the evidence by which the charge against Moti is to be substantiated. The prisoner having pleaded ignorance of the law which attaches criminality to the purchase and sale of slaves, may I request you will inform me whether a prohibition against such practices has been at any time promulgated in the town of Loodiana by the authorities under your control?

I have, &c.

(signed) *R. C. Faithfull*,

Major Commanding at Loodiana

Loodiana, 8 July 1833.

To Major *R. C. Faithfull*, Commanding at *Loodiana*.

Sir,

I HAVE deferred answering your letter of the 6th instant, pending a reference made by me to Mr. Clerk, the political agent at Ambala, requesting him to take the deposition of Malikan, who purchased the girl from Moti. On the receipt of Mr. Clerk's reply, which may be expected in a day or two, I will send you a list of the evidence on which the information against Moti rests. Frequent notices have been issued by me to the authorities in the town, to prevent the purchase and sale of slaves, and whenever any cases of the kind have come to my knowledge, I have taken every care to give publicity to the criminal light in which the traffic is viewed by us, as is well known to the people connected with my office.

I have, &c.

(signed) *C. M. Wade*,

Political Agent.

Loodiana, 8 July 1833.

To Major *R. C. Faithfull*, Commanding at *Loodiana*.

Sir,

MALIKAN, and the slave girl purchased by her, have been sent here by Mr. Clerk. I am now engaged in taking their depositions. As it is desirable to take the evidence of the second girl, and of two persons named Sawae and Golab, said to be in the service of Moti, and residing in cantonments, I shall be much obliged to you if you will direct their attendance at my office to-morrow morning at nine o'clock.

I have, &c.

(signed) *C. M. Wade*,

Political Agent.

Loodiana, 11 July 1833.

To Captain *Wade*, Political Agent, *Loodiana*.

Sir,

I HEREWITH send you under charge of an orderly the young slave girl, and the other two persons applied for in your letter of yesterday.

I have, &c.

(signed) *R. C. Faithfull*,

Major Commanding at Loodiana.

Loodiana, 12 July 1833.

To Captain *Wade*, Political Agent, *Loodiana*.

Sir,

Moti, the person charged in your letter of the 5th instant, with the purchase and sale of slaves, was confined by my orders on the 6th of the month.

As 10 days have now elapsed since the woman was confined, I do not feel authorized to keep her under restraint any longer, unless you furnish me with such evidence and information as is necessary to enable me to proceed legally against her.

I have, &c.

(signed) *R. C. Faithfull*,

Loodiana, 15 July 1833.

Major Commanding at Loodiana.

To Major *R. C. Faithfull*, Commanding at *Loodiana*.

Sir,

I HAVE herewith the honour to transmit to you, in their original form, the whole of the depositions taken by me in the case of Moti, including the proceedings of which I forwarded you an abstract in my letter of the 5th instant, together with a copy of a purwana received from Maharajah Runjit Singh by his agent in attendance here, in reply to the reference which was made to him with the view of preventing his subjects from engaging in the traffic of slaves within the limits of our authority.

2. Annexed to the deposition is a list of those whose evidence I have taken, with the exception of Hoer Singh, the Banjara, who lives across the Sathladj, and from whom the two girls were originally purchased. The list in question comprises, as far as I can ascertain, the name of every person who appears to have been privy to the transaction, and they all concur in charging Moti with the sale of the girls, as stated in my letter of the 5th instant. The deed of sale is said to have been made out compulsorily in the name of Chuhar Singh, who was employed to purchase the girls from across the Sathledj, while it appears that Moti advanced the money and sold the girl to Malikan on her own account.

3. There is an accordance in the evidence produced against Moti sufficient, in my opinion, to elucidate the facts with which she is charged. The extent to which the traffic exists in the vicinity of Loodiana, the cruelty with which it has been prosecuted in several recent cases brought to my notice,* and the reputation which the British Government has involved in the prevention of it, induced me to notice the present case, being convinced of your co-operation to put an end, if possible, to a practice which is considered criminal in the eye of our law.

* Of children being kidnapped.

4. Wherever our own jurisdiction does not actually exist, we possess no other means than such as our influence may confer with the chiefs of the country for the suppression of the traffic. On the other hand, it is admitted, I believe, that those who reside within the limits of a British cantonment become generally subject to the laws of our government.

5. With regard to the Lahore chief, it will be seen by Runjit Singh's observations in reply to the communication which I made to his wakil, that the Maharajah wishes to discourage the practice. He says, "I have ordered Koer Singh to be brought before me, and have directed the parents of the girls to Loodiana, to receive back their children. By God's blessing, infanticide and the traffic in slave girls is prohibited by the shasters, and I am accordingly pleased at the notice which has been taken of the subject. During the last two months I have restored nearly 100 children to their parents."

6. May I trouble you to return the enclosed proceedings at your convenience, as I have not had time to copy them?

I have, &c.

(signed) *C. M. Wade*,

Loodiana, 15 July 1833.

Political Agent.

No. 3.
BENGAL.

To Captain *Wade*, Political Agent, *Loodiana*.

Sir,

AGREEABLY to your wish I herewith return you the proceedings, in Persian, in the case of the woman *Moti*.

I have transmitted a copy of them, with copies of our correspondence on the subject, for the consideration and orders of Major-general Sir J. Adams, K. C. B. commanding the division.

I beg you will favour me with an authenticated copy of the proceedings, in Persian, at your earliest convenience, for deposit with the other records.

I have, &c.
(signed) *R. C. Faithfull*,
Major Commanding at *Loodiana*.

Loodiana, 18 July 1833.

To Major *R. C. Faithfull*, Commanding at *Loodiana*.

Sir,

I HAVE the honour to furnish you with an authenticated copy of the proceedings held by me in the case of the woman *Moti*.

I have, &c.
(signed) *C. M. Wade*,
Political Agent.

Loodiana, 20 July 1833.

To *W. Fraser*, Esq. Agent to the Governor-general, *Delhi*.

Sir,

HEREWITH I beg leave to annex a copy of a letter addressed by me to-day to the political agent at *Anbala*, together with a copy of the proceedings to which it relates.

2. The plaintiffs arrived here with an open *purwanah* from your office, of which a copy is enclosed, directing all whom it might concern to facilitate them in their search for their children, and the apprehension of the persons by whom they might prove to have been kidnapped.

3. I shall be glad to know what you would wish to be done with the *Banjars* who are now in the custody of the *Lahore* *vakil*, in attendance at my office.

I have, &c.
(signed) *C. M. Wade*,
Political Agent.

Loodiana, 15 May 1833.

To *G. R. Clerk*, Esq. Political Agent at *Anbala*.

Sir,

I HAVE the honour to transmit for your information a copy of proceedings held by me in consequence of two petitions filed in my office on the 15th and 22d ultimo, the one by *Dhana Singh* and *Ramsahac*, the other by *Sidha Sookh* and *Golah Singh*, inhabitants of *Delhi*, preferring a charge against some *Bah-rupias* or *Banjars* of *Akalpur*, near *Falor*, across the *Sathladj*, of having kidnapped two girls and one boy, belonging either to the plaintiffs or their families at *Delhi*.

2. Immediately on receipt of these petitions, I communicated with *Maharajah Runjit Singh's* *vakil* on the subject. He has apprehended and confined the persons whom the plaintiffs have charged with having stolen their children, and is engaged in finding some trace of them; but it seems, on inquiry, that the immediate agents concerned in the kidnapping of these and other infants who have lately been missing from *Delhi* are subjects of our government and that of *Patiala*, viz. *Mohar Singh* and *Esru Singh*; *Banjars* of *Khenoura*, 16 kos N. W. of *Delhi*, in the *Soneput* district, and *Mohar Singh*, *Jowahar Singh*, *Del Singh* and *Kirpal Singh*, *Banjars* of *Badle*, in the *Koram* district.

3. As it is desirable that every practicable means should be adopted of arresting the further course of these inhuman practices, I beg leave to solicit your co-operation, and to suggest the expediency of causing the Banjaras, who are subjects of Patiala, to be seized and kept in safe custody pending a reference to the agent to the Governor-general at Delhi, as those in the Delhi territory are subject to his authority; and it seems essential to the ends of justice that all the parties should appear at one and the same office. So as to admit of the case being fully investigated and decided, the Maharajah's agent is willing to send the Banjaras, whom he has in confinement, either to Delhi or to your office, as Mr. Fraser may be pleased to direct.

I have, &c.
(signed) C. M. Wade,
Political Agent.

Loodiana, 15 May 1833.

To Captain *Wade*, Political Agent, *Loodiana*.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 15th May, and in reply, beg leave to transmit to you copy of a letter addressed by me to the Governor-general's agent at Delhi, under date 15th instant, assuring you of my best endeavours to co-operate with you in the prevention of this execrable traffic.

I have, &c.
(signed) G. R. Clerk,
Political Agent.

Anbala Political Agent's Office,
17 May 1833.

To *W. Fraser*, Esq. Governor-general's Agent, *Delhi*.

Sir,

I HAVE the honour to transmit enclosed a kharita to your address from the Rajah of Patiala, in reply to your kharita to that chief's address received with your letter of the 1st April.

2. From a communication made to me by the Patiala authorities, it appears they have not succeeded in tracing the two children who had been lost in Delhi, and it was alleged had been traced into the Patiala territory, whither it was supposed they had been carried by the Bunda Faroshes or Banjaras, but four other children had been recovered in Patialah from Banjaras, who state that they purchased them from Pursa and Jowahar Gujars of the village Khyoreh, in the Delhi territory.

3. I have directed the four children to be forwarded to the Patiala wakil stationed at Delhi, for delivery to the magistrate there, or as you may order, and I have enjoined the Rajah to adopt such measures as are best calculated to abolish the trade in children.

I have, &c.
(signed) G. R. Clerk,
Political Agent.

Anbala Political Agent's Office,
15 May 1833.

(A true copy.)

(signed) G. R. Clerk,
Political Agent.

To *W. Fraser*, Esq. Agent to the Governor-general, *Delhi*.

Sir,

I BEG leave to state that the plaintiffs whose case I reported to you on the 15th ultimo, are desirous of knowing whether I have received any reply to my reference about them, as they are distressed for the means of subsistence, in consequence of their long absence from Delhi, and anxious to return to their homes;

No. 3.
BENGAL.

homes; may I trouble you therefore for the expression of your sentiments on that subject?

Loodiana, 27 June 1833.

I have, &c.
(signed) *C. M. Wade,*
Political Agent.

No reply received from the Governor-general's agent to these references.

(True copies.)
(signed) *C. M. Wade,*
Political Agent.

— No. 5. —

ORDERED, that the officiating agent at Delhi be informed of the remark made by the Governor-general, and that he be requested to report on the subject.

(True extract.)
R. H. Scott,
Officiating Secretary to the Government of Agra.

EXTRACT AGRA JUDICIAL NARRATIVE (N. W. P.) dated 16 October,
(No. 16) 1837.

Proceedings, July
1837, Nos. 207
and 208; August
1837, No. 220.
Sale of Children at
Kasheepore.

Para. 88. THE proceedings noted in the margin relate to certain female children discovered in a state of slavery by the joint magistrate of Kasheepore. The judge of Moradabad having applied for instructions to the Sudder Dewanny Adawlut, that court made a reference on the subject, and suggested the expediency of making some provision to meet cases of the nature in question; it appeared, however, to the Lieutenant-governor, that the provisions of Regulation III. of 1832, entirely met the case, as stated by the joint magistrate, the importation of slaves from Almorah (which has been a British province since the enactment of Regulation X. of 1811) being illegal and criminal.

EXTRACT from the PROCEEDINGS of the Lieutenant-governor of the N. W. Provinces, in the Criminal Branch of the Judicial Department, dated 31 July 1837.

(No. 636.)

No. 207.

From *H. B. Harington*, Esq. Registrar, Nizamut Adawlut, to *J. Thomason*, Esq. Officiating Secretary to the Honourable the Lieutenant-governor, in the Judicial Department, Agra, dated 14 June 1837.

Sir,

N. A. N. W. P.
Present:—M. H.
Turnbull, A. J. Col-
vin, W. Lambert
and W. F. Dick,
Esqrs. Judges.

I AM directed by the court to request that you will submit for the consideration and orders of the Honourable the Lieutenant-governor the accompanying copies of a letter and its enclosure from the sessions judge of Moradabad, under date the 20th ultimo.

2. The court understand that the whole question connected with slavery in this country, including that of the sale and purchase of children with a view to make them slaves, or for other purposes, is at present under the consideration of the Indian Law Commissioners, and will no doubt be provided for in the new Criminal Code; they observe, however, that the existing regulations contain no specific rule for the guidance of the criminal authorities in cases of the nature of those now brought to their notice by the sessions judge of Moradabad, and which, there is reason to believe, are of very common occurrence, and they would therefore suggest for his Honour's consideration the expediency of some provision being speedily made with a view to meet such cases.

I have, &c.
(signed) *H. B. Harington*, Registrar.

Allahabad, 14 June 1837.

(No. 44.)

From *B. Tayler*, Esq. Sessions Judge, Zillah Moradabad, to *H. B. Harington*, Esq. Registrar to the Sudder Nizamut Adawlut, N. W. P., *Allahabad*, dated 20 June 1837.

Sir,

I HAVE the honour to submit copy of a letter received from the officiating joint magistrate at Kasheepoor, and request that you will obtain for me the opinion of the court on the propriety of disposing of the children in the mode adopted by that officer; an appeal has been preferred to my court from the order passed by the officiating joint magistrate; and as no defence was allowed the woman who had purchased the children, the cases have been returned, with orders to make a more full inquiry. Should the fact be established, there can be no doubt that the children should be taken from the women, and I am not aware if there be any better mode of providing for the children than permitting the magistrate to make them over to respectable families, under engagements to support them.

In Macnaghten's Book, Mohummudan Law, the sale of children is declared illegal. I would further request the opinion of the court regarding the criminality of this offence, and whether the purchasers may not be considered guilty of a misdemeanor.

Mr. Fagan has punished two women under Regulation III. of 1832. This regulation is totally inapplicable to the sale of children not imported, and his sentence must be reversed. I consider, however, that they may be punished for a misdemeanor.

Zillah Moradabad,
Sessions Judges' Office, 20 June 1837.

I have, &c.
(signed) *B. Tayler*,
Sessions Judge.

Page 315.

From *C. Fagan*, Esq. Officiating Joint Magistrate of Kasheepore, to *B. Tayler*, Esq. Sessions Judge, *Moradabad*, dated 24 May 1837.

Sir,

I HAVE the honour to forward by this day's dāk the proceedings called for in your roobkaree of the 19th instant.

In the course of last month, two degraded women of this town, whose professions and means of livelihood decency forbids me to mention, were convicted of buying a young girl as a slave, and sentenced to punishment according to the provisions of Regulation III. of 1832.

The particulars of that case convinced me that this abominable practice of selling and buying slaves prevailed to a great extent in this town, and the information which I subsequently collected confirmed my suspicions.

To bring this matter to the proof, I issued a search-warrant, and executed it myself. The result was, that I discovered secreted in the houses of the abandoned women 17 female children; of these in one closet at one I found four shut under lock and key.

The ages of the generality of these children consisted of from eight to ten years. There were two or three of a still more tender age.

Their depositions were taken in due form, and after they had recovered from their momentary alarm, they delivered them with the greatest clearness and freedom. In fact so perfectly free were they from all restraint, that it became necessary to check their extraordinary cheerfulness.

They stated, in the frankest manner, their original names, their place of residence in the hills of Kamaon, the various names and castes of their parents; that the latter had sold them to the vile set of women above alluded to into slavery, and slavery of the worst kind, that of prostitution; many of them mentioned the exact sums for which they had been bought and sold, and bore testimony to the existence of papers authenticating the transaction between the parties.

As therefore these children had been so cruelly abandoned by their parents,

No. 3.
BENGAL.

and were thrown so helplessly on the world, it became my bounden duty as a magistrate to make the best arrangement for their future welfare, personal and moral, that circumstances would admit of.

I have accordingly consigned them, under the most strict obligations, to respectable Hindoos with families; and strongly impressed as I am that this effort of mine to rescue those unfortunate children from degradation and misery, is in accordance with every principle of justice and every feeling of humanity, I sincerely trust that it will not be considered misplaced or rendered nugatory, nor can I anticipate any other result, for however anxious the pothas may be to recover their trading capital, they did not appear to me to be possessed of any legal, natural, or moral right, and I should have considered myself a party to their abominable traffic if I had issued an order re-consigning these unprotected and helpless children to their tender mercies.

Kasheepore Joint Magistrates' Office
24 May 1837.

I have, &c.
(signed) *C. Fagan*,
Officiating Joint Magistrate.

ORDERED, that the following letter be addressed to the registrar of the Nizamut Adawlut.

(No. 189.)

No. 208. From *J. Thomason*, Esq. Officiating Secretary to the Honourable the Lieutenant-governor, N. W. P., to *H. B. Harington*, Esq. Registrar, Nizamut Adawlut, *Allahabad*, dated 31 July 1837.

Sir,

I AM directed by the Honourable the Lieutenant-governor to acknowledge the receipt of your letter (No. 636) of the 14th June, submitting correspondence from the sessions judge of Moradabad, regarding the sale of children who were discovered in the jurisdiction of the joint magistrate of Kasheepore.

2. With reference to the cases mentioned in para. 3 of the joint magistrate's letter, dated 24th May, and possibly with reference to the very case in which an appeal was preferred to the sessions judge, I am directed to observe that, as the circumstances are stated by the officiating joint magistrate, the provisions of Regulation III. 1832 would seem entirely to meet the case. Almorah has certainly been constituted a British province since the enactment of Regulation X. 1811, and therefore the importation of slaves from it is illegal and criminal. The court are requested to point this out to the sessions judge of Moradabad, who does not appear to have sufficiently adverted to this fact.

I am, &c.
(signed) *J. Thomason*,
Agra, 31 July 1837. Officiating Secretary.

EXTRACT from the PROCEEDINGS of the Lieutenant-governor of the North Western Provinces, in the Criminal Branch of the Judicial Department, dated 29 August 1837.

(No. 776.)

No. 220. From *H. B. Harington*, Esq. Registrar, Nizamut Adawlut, to *J. Thomason*, Esq. Officiating Secretary to the Honourable the Lieutenant-governor, North Western Provinces, *Agra*, dated 11 August 1837.

Sir,

I AM directed by the court to acknowledge the receipt of your letter (No. 189,) under date the 31st ultimo, on the subject of the correspondence with the sessions judge of Moradabad, which accompanied my letter to your address of the 14th idem.

2. In reply, I am directed to request that you will submit, for the information of the Honourable the Lieutenant-governor, the annexed copy of the orders issued

J. A. N. W. P.
Present—M. H.
Burnbull, A. J.
Colvin, W. Lambert
and W. F.
Dick Esqrs.

issued by the court to the sessions judge of Moradabad, on the date above-mentioned, which was omitted to be forwarded with my letter to you of that date. From the copy of the Court's letter to the Commissioner of the then 7th division, which was communicated to Mr. Tayler for his information and guidance, it will be observed that a similar reference having been made by that officer, it was pointed out to him that it must depend upon the particular circumstances of each case, whether it came within the provisions of Regulation III. of 1832; but that in disposing of such cases it should be taken into consideration, whether the persons concerned had been guilty of a misdemeanor so as to bring them within the provisions of any other enactment than that above mentioned, and Mr. Tayler was desired, therefore, in deciding the cases which gave rise to his reference, to pass such orders in each as, with advertence to the instructions laid down in the Court's letter to the Commissioner of the 7th division, and the regulations bearing on the point, he might consider just and proper, and conformable to law, leaving any party dissatisfied with his decision to appeal from it in the usual course.

I have, &c.
(signed) *H. B. Harington*,
Registrar.

Allahabad, 11 August 1837.

(No. 635.)

From *H. B. Harington*, Esq. Registrar, Nizamut Adawlut, to *B. Tayler*, Esq. Sessions Judge of *Moradabad*, dated 14 July 1837.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 64), under date the 20th ultimo, with its enclosures, from the officiating joint magistrate of Kasheepore, requesting the opinion of the Court as to the proper course of proceeding to be observed by you in the cases therein referred to.

2. In reply, I am directed to transmit, for your information and guidance, the accompanying copy of a letter, addressed by order of the Court, under date the 16th May, 1834, to the Commissioner of the then 7th division, on a similar reference from that officer, and to request that, with advertence to the instructions therein contained, you will exercise your own judgment in disposing of the cases which form the subject of your letter, and proceed to pass such orders thereon as you may consider just and proper, conformable to the regulations bearing on the points in question, leaving any party who may be dissatisfied with your decision to appeal from it in the usual course.

I have, &c.
(signed) *H. B. Harington*,
Registrar.

Allahabad, 14 July 1837.

N. A. N. W. P.
Present:—*M. H. Turnbull*, *A. J. Colvin*, *W. Lambert*, and *W. T. Dick*, Esqrs. Judges.

(No. 83.)

From *W. Jackson*, Esq. Registrar, to *R. Tylghman*, Esq. Commissioner of the 7th Division, dated 16 May 1834.

Sir,

I AM directed to acknowledge the receipt of your letter, under date the 8th instant, enclosing copy of a letter from the magistrate of Banda, and the proceedings in certain cases referred to by him.

2. The Court observe that the decision of the point referred, viz. whether the cases in question came within the provisions of Regulation III. 1832, or not, depends entirely on the circumstances elucidated in each trial, and they are therefore of opinion that it will be better for the magistrate to pass such order as may appear to him just and proper, leaving any person who may think himself aggrieved thereby to prefer his appeal in the usual course.

3. In disposing of the cases, the magistrate will, of course, take into consideration whether the persons accused have been guilty of a misdemeanor, so

N. A. W. P.
Present:—*C. T. Sealy*, *M. H. Turnbull*, *M. Ewer*, and *A. J. Colvin*, Esqrs. Judges.

No. 3.
BENGAL.

as to bring them within the provisions of any other criminal regulation, as well as of Regulation III. 1832.

4. With regard to the disposal of the children in the event of their being taken from the persons in whose possession they were found, I am directed to refer you to the provisions of section 4, Regulation X. 1811.

5. The Court cannot sanction the rule which you have preferred, in concurrence with the magistrate, for requiring the voluntary transfer of children by their parents to be registered at the nearest thannah. Should the magistrate consider such a rule necessary, you will request him to submit a regulation to this effect in the usual form, in which he can, if he thinks proper, include provisions for remedying the defects in the present state of the law on this subject.

6. The proceedings which accompanied your letter are herewith returned.

I have, &c.
(signed) *Welby Jackson*,
Registrar.

Allahabad, 16 May 1834.

(True copies.)

(signed) *H. B. Harrington*,
Registrar.

The foregoing letter requires no order.

EXTRACT JUDICIAL DESPATCH to *Bengal*, dated 2 May (No. 5) 1838.

Debtor Slavery.

Para. 13. WE observe with satisfaction the measures which have gradually been taken for abolishing the practice of debtor slavery, which had been prevalent in the Temasserim provinces. Under that practice a person, on failure in pecuniary engagements, became the debtor-slave of another. The first steps towards the correction of so vicious a system, were to provide for a registration of all such slaves, and for a progressive liquidation of the debt, so that, finally, the term of slavery might be worked out. Mr. Blundell conceived that the time had arrived when, from a fixed date, viz. 1st July 1835, the courts of justice might be authorized to refuse the recognition of any new instance of debtor slavery; we highly approve of the caution and judgment with which this great reform in the usages and manners of the people has been carried into effect, and we place entire reliance on the prudent and moderate course of proceeding which Mr. Blundell proposed to adopt against the vice of gambling, to which, in common with the Malays, they are almost universally so much addicted.

EXTRACT JUDICIAL DESPATCH to *India*, dated 24 June (No. 9) 1840.

Agra Judicial Narrative, dated 29 May, No. 7, 1837, (56, 57) Instructions to the Commissioner of the Saugor Division, relative to the disposal of suits for the recovery of slaves.

Para. 67. WE approve of those instructions by which it was provided that a father lost all right of control over his daughter by having sold her, but that the purchaser acquired no such right, the daughter being free to return to her father or not, as she herself might prefer.

EXTRACT LEGISLATIVE LETTER from *India*, dated 21 October (No. 24) 1839.

Extract, p. 119.
Slavery in Assam.
Leg. Cons.
1 April 1839,
No. 2 to 4.

WE have referred, for the consideration of the Commissioners, in connexion with the general subject of slavery in India, copies of the accompanying papers respecting slavery in Assam.

EXTRACT LEGISLATIVE LETTER from *India*, dated 16 November (No. 19) 1840.

Leg. Cons.
22 June 1840,
No. 11 to 14, not
received.

Para 33. WE also transmitted to the Law Commission the papers noted on the margin, being extracts of our proceedings in the Secret and Political Departments, on the subject of slavery in Assam.

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Legislative Department, dated the 1st April 1839.

(No. 516.)

From *F. J. Halliday*, Esq. Secretary to the Government of Bengal, to *F. Millett*, Esq. Officiating Secretary to the Government of India, Judicial Department, dated 19 March 1839.

No. 2.

Sir,

ON the 28th February 1834, the Commissioner in Assam, Mr. T. C. Robertson, submitted to Government a proposed "Rule regarding the sale of slaves in satisfaction of Decrees of Court," to the effect that slaves the property of an insolvent defendant, should be appraised, and a sum equivalent to their estimated value paid to the plaintiff, by Government, in satisfaction of his decree, the Government to be indemnified for the sum thus disbursed by the labours of the slave, either in public works or in hire to individuals at certain rates; the sum realized in this manner, after deducting cost of subsistence, was to be carried to the credit of each slave, who was to be held entitled to emancipation, upon the principal of the sum originally paid by Government being made good.

2d. In reply to this suggestion, the Government, on the 25th August 1834, remarked as follows, "The subject of the state of slavery and bondsmen will be taken into consideration hereafter; in the meantime, the Vice-president in Council desires that the courts will abstain from selling slaves in satisfaction of decrees or for any other object."

3d. Here the matter rested until the discussion of the "Rules of Practice for the Administration of Justice in Assam," which were promulgated on the 6th December 1836.

4th. In submitting on the 29th July 1836 a draft of these rules, the Court of Sudder Dewanny Adawlut proposed a rule (No. 10 of the draft) on the subject, on which, in his reply of the 25th October following, Lord Auckland remarked as follows:

"His Lordship is not prepared to pass this section. The subject is one of great and general importance, and must be taken up as a whole, by the Supreme Government; but he considers it to be within his competence to declare that all sales of persons as slaves, shall be illegal and void from the date on which these rules of practice shall come into operation in Assam, the section therefore will stand as on the margin.

Sect. 10. "From the date on which these rules of practice shall come into operation in Assam, all courts of justice shall hold all sales of persons as slaves, to be illegal and void, and no suit reclaim the services as a bondsman or woman the person so sold, shall be received in a court, on the plaint of any party."

5th. The Sudder Court, in their answer to the letter last quoted, viz. on the 11th November 1836, recommended that the course proposed by Mr. Robertson (one of the judges) in a minute recorded by him on the occasion, should be adopted, viz., that the local officers should be consulted before a rule for the virtual abolition of slavery was passed, but if this were considered objectionable, the Court proposed that the rule should be altered to the terms laid down in the 3d paragraph of their letter giving it a prospective effect only.

Sect. 9. "From and after the date on which these rules of practice shall be promulgated in Assam, all sales persons as slaves shall be deemed illegal and void, and suit to reclaim the services of a slave, or bondsman, bondswoman, so sold after the date above specified, shall be received or entertained in any court, on the plaint any person. Provided, however, that this prohibition shall not be construed to extend to any sale or bond that may have been regularly executed according to the law the province, or established usage, previously to the promulgation of these rules. And the several courts of justice are empowered and directed to entertain such suits heretofore, and in deciding the same the courts are to be governed by the law and usage under which the said sales and bonds were prepared and executed."

6th. In this proposition the Governor, on the 22d November 1836, acquiesced, and directed that the rules should be printed with the slavery section, in the terms suggested by the Court, unless they should still be of opinion that it was proper to consult the local authorities upon the revision of the rule.

7th. On the 2d December 1836 the Court replied by advising that the local authorities should be consulted; they were even doubtful whether, under the Act of Parliament, it would not be necessary to refer first to the home authorities.

8th. Accordingly, on the 6th December 1836, Lord Auckland directed the Court to consult the local authorities, and in the meanwhile his Lordship

No. 3.
BENGAL.

caused the "Rules" to be printed and promulgated, omitting the slavery section altogether.

9th. Nothing more was done until the 13th February 1838, when the subject coming incidentally under the notice of the late deputy governor, the Court of Sudder Dewanny Adawlut were called upon to expedite the transmission of the report of the local officers' opinion on the slavery rule.

10th. This report has now been submitted, and but for an oversight which I am now instructed to remedy, would have been, at an earlier date submitted for the consideration of the Supreme Government.

*L. P. Civil Cons. 25 August 1834, No. 134 to 35.

Proceedgs. 22 Nov. 1836, „ 12 & 13.

„ 6 Dec. 1836, „ 4 & 5.

„ 25 April 1837, „ 7 & 8.

„ 6 July 1837, „ 1 & 2.

„ 17 Oct. 1837, „ 28 „ 29.

Offg. Regr. Sudr. Dewy. Adt., dated 3 Nov. 1837.

Assam Commissioner - 8 Dec. 1837.

Letter to Regr. Sudr. Dewy. Adt. - 13 Feb. 1838.

Letter from ditto - ditto - 16 Mar. 1838.

Assam Commissioner - - - 6 Apr. 1838.

Offg. Regr. Sudr. Dewy. Adt. - 22 Dec. 1837.

To ditto Offg. Secy. Mily. Dept. - 13 Feb. 1838.

From ditto and ditto - ditto - 14 April and

7 May 1838.

To the Regr. Sudr. Dewy. and Ni-

zamut Adt. - - - 29 Apr. 1838.

Regr. Sudr. Dewy. Adt. - - - 27 July 1838.

Abstract by Mr. G. C. Plowden - 4 Nov. 1838.

11th. I have now the honour to forward, in

original, the papers noted in the margin,*

which include the report above alluded to,

and the rules for the gradual abolition of sla-

very in Assam, proposed by Mr. Commissioner

Jenkins.

I have, &c.

(signed) *F. J. Halliday,*

Secy to the Govt of Bengal.

Fort William, 19 March 1839.

No. 3.

MINUTE by the Honourable *T. C. Robertson*, Esq. dated 29 March 1839.

As my own plan for the gradual extinction of slavery in Assam is already on record, and will be found among these papers, sec. 10., of the rules for the administration of civil justice, as they were first sent up to Government, I forbear from recording anything further on the subject until I hear the merits of the whole question discussed in Council.

I beg to draw attention to a letter bearing the signature of the late Mr. Scott, but not sent in, having been found after his death among his papers. It will be seen that he reckons a sum of 30 or 40 lacks to be necessary for the redemption of all the slaves in Lower Assam and Sylhet; and it is only by some such payment that the immediate extinction of slavery can be effected without discredit to Government.

I agree with Captain Jenkins in thinking that the law in its existing state will gradually, though slowly, effect the same end.

(signed) *T. C. Robertson.*

29 March 1839.

(No. 112.)

No. 4.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 1 April 1839.

Sir,

Legislative
Department.

I AM directed by the Honourable the President in Council to forward to you, to be laid before the Indian Law Commissioners, and to be considered by them in connexion with the general subject of slavery in India, the accompanying copy of a letter from the secretary to the Government of Bengal, dated 19th ultimo, with its enclosures, in original, relative to slavery in Assam; a copy of a minute recorded thereon by the Honourable Mr. Robertson, dated 29th ult. is likewise herewith submitted.

2. You will be pleased to return the original papers herewith sent, when no longer required by the Commissioners.

I am, &c.

(signed) *J. P. Grant,*

Officiating Secy to the Govt of India.

Council Chamber,
1 April 1839.

— No. 4. —

M A D R A S.

SLAVERY amongst the *Portuguese* Inhabitants of *Anjengo*;—Trial of a Person charged with stealing a Child from the Town of *Pondicherry*;—Condition of the Chermurs, or Rustic Slaves, in *Malabar*.

EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 11 October (No. 11) 1837.

No. 4.
MADRAS.

Para. 30. THE Resident in Travancore and Cochin having recommended to us that the system of slavery lately discovered to exist among the Portuguese inhabitants of Anjengo should be prohibited, and the whole of the present slaves emancipated, their owners being reimbursed the amount they originally paid for them, we transmitted a copy of his communication, with certain letters from the court of Foujdaree Adawlut on the subject of slavery in general, to the Government of India, with a request that the same might be referred for the consideration of the Law Commissioners.

Slavery at Anjengo.

EXTRACT LEGISLATIVE LETTER from *India*, dated 7 February (No. 4) 1838.

Para. 78. IN connexion with the subject noticed in para. 32 of our despatch (No. 4) 29th February of 1836, we forwarded to the Law Commissioners, for their consideration, copies of a communication from the government of Fort St. George, and of its accompanying papers, relative to the system of slavery existing among the Portuguese inhabitants of Anjengo, within the limits of the British territories, and to slavery in general, as it prevails in the several provinces subject to that presidency.

Slavery at Anjengo.
Leg. Cons.
17 July 1837.
Nos. 1 to 4.

EXTRACT JUDICIAL DESPATCH to *Fort St. George*, dated 27 January (No. 4) 1841.

Para. 67. WE approve of your having transmitted the papers to the Government of India, with whom we are in communication on the subject of slavery. But you will, nevertheless, take care to prevent, or put a stop to, any improper practices which may prevail among the people under your government.

Letter from, dt
11 Oct. (No. 1
1837.
(30.) Slavery.

EXTRACT from the PROCEEDINGS of the Right hon. the Governor-general of *India* in Council, in the Legislative Department, under date 17 July 1837.

(No. 520.)

From *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*, to the Secretary to the Government of *India*; dated 6 June 1837.

No. 1.

Sir,

I am directed by the Right hon. the Governor in Council to transmit to you, for the consideration and orders of the Right hon. the Governor-general of India in Council, the accompanying copy of a letter from the resident in Travancore and Cochin, relative to the system of slavery lately discovered to exist among the Portuguese inhabitants of Anjengo, within the limits of the British territories.

Judicial Department.

4 May 1837.

No. 4.
MADRAS.

As the draft Act for prohibiting the importation of slaves by land, transmitted with my letter of the 17th November 1835, has been referred for the consideration of the Law Commissioners, whose attention, in the course of their labours, must necessarily have been drawn to the subject generally, it would seem advisable also to refer to them, the papers now forwarded; and with the view of placing those gentlemen in possession of every information on this important

from the Sudder Adawlut, 10 May 1833 } Requested to
from the Board of Revenue, 13 Dec. 1819 } be returned.
from - ditto - - - 24 Oct. 1836.
minutes of Consultation thereon, 15 Nov. 1836.

subject, I am further directed to transmit the accompanying letters and their enclosures, received at different periods, from the Court of Sudder Adawlut and the Board of Revenue,

relative to the subject of slavery generally, as it exists in the various provinces subject to the Presidency of Fort of St. George.

I have, &c.

(signed) H. Chamier,
Chief Secretary.

Fort St. George, 6 June 1837.

(No. 31.)

No. 2.
Enclosure.

From J. S. Fraser, Colonel, Resident of *Travancore* and *Cochin*, to the Chief Secretary to Government, *Fort St. George*; dated 4 May 1837.

Sir,

The Superintendent of Police at Anjengo to the Resident, dated 8th April 1837.

The Resident to the Superintendent of Police, dated 29th April 1837.

The Superintendent of Police to the Resident, dated 1st May 1837.

Para. 1. I REQUEST you will be so good as to submit to Government the correspondence noted in the margin, and to acquaint me whether it will not be considered right, since the territory of Anjengo belongs to the honourable Company, that the system of slavery which appears to have immemorially prevailed there, should be now discontinued, and positively prohibited in future.

2. In this case it may be proper also, that the whole of the present slaves should be emancipated, reimbursing their owners for the amount they originally paid for them.

Resident's Office, Travandrum,
4 May 1837.

(signed) J. S. Fraser,
Resident.

(No. 3.)

From Thomas A. Philipsz, Esq. Superintendent of Police at *Anjengo*, to J. S. Fraser, Colonel, Resident of *Travancore* and *Cochin Trivandrum*; dated 28 April 1837.

Sir,

I BEG leave to bring to your notice, that a practice, infringing the laws, appears to be in existence amongst the inhabitants of Anjengo, of buying human beings and making them their slaves; and this kind of purchase, I find, is effected from the utmost poverty of the lowest class of individuals, who readily offer to sell their offsprings for the sake of money.

The inhabitants treat their slaves inhumanly, and consider themselves to have a control over them, and over their issue, even while they do not give them the means of living, and while such slaves maintain themselves, without depending upon their purchasers. It is my intention, therefore, to issue a proclamation, forbidding all the irregularities above described, provided it would meet with your approval.

I have, &c.

Anjengo Police Office,
28 April 1837.

(signed) Thomas A. Philipsz,
Superintendent of Police.

AND MEASURES TAKEN FOR ITS ABOLITION.

83

No. 4.
MADRAS.

(No. 715.)

From *J. S. Fraser*, Colonel, Resident, *Travandrum*, to Superintendent of Police at *Anjengo*; dated 29 April 1837.

Sir,

Para. 1. In reply to your letter No. 3, under date the 28th instant, I request that you will, with the least practicable delay, give me further information in regard to the subject on which you have addressed me, and, with this view, I transmit a form, which you will be so good as to fill up.

2. As it is of great importance, and that the case involves, as you yourself observe, an infringement of the laws, you are directed to state why you have not earlier reported it to me, or whether you ever did so to any former resident.

Yours, &c.

Resident's Office, Trivandrum,
29 April 1837.

(signed) *J. S. Fraser*,
Resident.

(No. 6.)

From *Thomas A. Philipsz*, Superintendent of Police, *Anjengo*, to Colonel *J. S. Fraser*, Resident of *Travancore* and *Cochin*, *Trivandrum*; dated 1 May 1837.

Sir,

AGREEABLY to the first para. of your letter, No. 715, of the 29th ultimo, I beg leave to forward herewith a List of the slaves at *Anjengo*.

With reference to the second paragraph of your abovesaid letter, I beg leave to state that, with exception of the reports I have made to you and Mr. Cassamajor, through my letters of the 13th September 1835 and 31st March 1836, I had no other subject to make a report about the purchase of slaves, as it appears that the inhabitants of *Anjengo* have kept the matter rather secret, and it is only now that I have come to understand of the case, by the few complaints received from certain slaves, as to the bad treatment they have suffered from their purchasers. Sic or

I have, &c.

Anjengo Police Office,
1 May 1837.

(signed) *Thomas A. Philipsz*,
Superintendent of Police.

(True copies.)

(signed) *J. S. Fraser*, Resident.

(True copies.)

(signed) *H. Chamier*, Chief Secretary.

CORRESPONDENCE ON THE SLAVE TRADE,

LIST of the Slaves belonging to

NAMES of PERSONS who have Purchased or still possess Slaves.	Of what Description, whether Portuguese, Country born, or Hindoos and in the latter case, of what particular Caste.	Names of each Individual Slave.	Whether Male or Female.	Age.	Caste.
Mr. Francis Rodrigues - - - - -	Native Portuguese - - -	Francisco - - -	Male -	Yrs. 14	Moscoovah - -
Ditto - - - - -	- - Ditto - - -	Silvestrah - - -	Female -	60	} Eloovurs - -
Ditto - - - - -	- - Ditto - - -	Restah - - -	Ditto -	50	
Ditto - - - - -	- - Ditto - - -	George - - -	Male -	46	
Mr. Domingo Rodrigues, deceased, and now possessed by his nephew, Mr. Noc.	- - The former, ditto; and the latter, French extrac- tion.	Shavareeah - - -	Female -	60	Modcoovah - -
Mrs. Magdalena Fernandes, deceased, and now possessed by her son, Mr. F. Anthony Fer- nandes.	Native Portuguese - - -	Dominga - - -	Ditto -	70	Ecloovatee - -
Padre Salvador Remedios, deceased, and now possessed by his cousin, Mr. F. Anthony Fer- nandes.	- - Ditto - - -	Mathawadeah - -	Ditto -	20	Moocoovah - -
Diogo Francisco Fernandes - - - - -	Thorrycar - - -	Shavareah - - -	Ditto -	8	- Ditto - - -
Sagaum Hoominee Miranda - - - - -	- ditto - - -	Pedro - - -	Male -	15	- Ditto - - -
Mr. Philip Wesp - - - - -	Country born - - -	Basteeannah - -	Female -	10	- Ditto - - -
Mr. Miguel Fernandes, deceased, and now possessed by his relation, Padre Lawrence Sha. Lopez.	Both native Portuguese -	Marcelino - - -	Male -	45	Tandan - - -
Ditto - - - - -	- - Ditto - - -	Martha - - -	Female -	35	Chunambos Paratee -
Ditto - - - - -	- - Ditto - - -	Reza - - -	Ditto -	60	Eloovatie - - -
Ditto - - - - -	- - Ditto - - -	Louiza - - -	Ditto -	25	Chunambo Piretie -
Ditto - - - - -	- - Ditto - - -	Thomasiah - - -	Ditto -	30	Cavarachee - - -
Ditto - - - - -	- - Ditto - - -	Jacob - - -	Male -	25	Chunambo Paravun
Francisco Xavier Fernandes - - - - -	Parathan - - -	Anna - - -	Female -	12	Eloovatee - - -
Mr. Salvador Brandebourg - - - - -	Country born - - -	Maria - - -	Ditto -	7	Shavellacor - - -
Anthony Miranda - - - - -	Thorrycar - - -	Dominga - - -	Ditto -	11	Moocoovah - - -
Francisco Xavier Lobo - - - - -	Parathar - - -	Egnacio - - -	Ditto -	35	Pananchanatie - -
Messeear Salvador de Cruz - - - - -	- Ditto - - -	Therezia - - -	Ditto -	21	Chunambo Paratee -
Shavarionootoo, deceased, and now possessed by his relatives.	- Ditto - - -	Thomasia - - -	Ditto -	40	Eloovatee - - -
M. riano Cruz - - - - -	Thorrycar - - -	Bastinah - - -	Ditto -	35	Cavarachee - - -
Saganyu Maracan, deceased, and now pos- sessed by his family.	- Ditto - - -	Martha - - -	Ditto -	40	Moocoovah - - -
Pichay Cavoquen, deceased, and now possessed by his son.	- Ditto - - -	Tamacarree - - -	Ditto -	60	- Ditto - - -
Andray, deceased, and now possessed by his daughter.	- Ditto - - -	Maria - - -	Ditto -	40	Evalovatee - - -
Ditto - - - - -	- Ditto - - -	Alleiro - - -	Male -	31	Ecloovan - - -
Joseph Caenning - - - - -	Parathar - - -	Tamacarree - - -	Female -	9	Moocoovah - - -
Cuchoo Shavareeah - - - - -	Thorrycar - - -	Shavareeah - -	Ditto -	25	Eloovatee - - -
Mr. J. Z. Lopez - - - - -	Country born - - -	Shaveear - - -	Male -	15	Moocoovah - - -
S. Tamacarren Fernandes - - - - -	Thorrycar - - -	Anna - - -	Female -	9	- Ditto - - -
Madavadean Davido - - - - -	- Ditto - - -	Salvador - - -	Male -	7	- Ditto - - -

the Inhabitants of Anjengo.

When Purchased.	From whom Purchased.	For what Sum Purchased.	In what description of Labour employed.	If any Slaves purchased at Anjengo, or purchased elsewhere, and brought into that place, have ever been sold; to Whom they were sold, and to what Place have they been carried.	REMARKS of the Superintendent of Police.
1832 - - -	From his father -	Gul. Fans. * 100	As a servant -	- - His father brought him at Anjengo from Pootenlope, near Vilce, and sold to Mr. Rodrigues.	* At 7 1/2 to a rupee.
About the year 1802	- - From Coohoo Cooty Chanon.	Unknown	- - Live upon their own labours.	- - Purchased at Venniarodoo, in the Sherringill District.	
Unknown - - -	- - From her late mother, Magdalena.	- Ditto -	Ayah - - -	Purchased at Poothoocoorsly ditto.	
- Ditto - - -	- - From a person who eloped with her from a far country.	- Ditto -	- - A maid of the house.	Purchased at Vezeonelloor.	
1822 - - -	From her uncle -	70	- - Ditto - -	Ditto at Pudpanabapooram.	
1836 - - -	From her parents -	35	- - Ditto - -	Ditto at Anjengo.	
17 October 1831	From his ditto -	45	A servant boy -	Ditto at ditto.	
1832 - - -	From her mother -	40	- - A maid of the house.	Ditto at Tooloor.	
Unknown - - -	From his late mother	Unknown	Labourer - -	- - Ditto at Cadaicuvor, in the Sherringill District.	
- Ditto - - -	- - From Pedro Anthony Kanaken.	Fanams. 35	- - Lives with her husband.	- - Mortgaged by the said Pedro Anthony Kanaken, the person who had bought her mother, a woman dragatootee, in the Sherringill District.	
About the year 1792	From her late mother	100	Cook-maid - -	- - Purchased at Cullatoor, in the Thivandroom District.	
About 1819 - -	- - Ditto - -	Unknown	- - A maid of the house.	- - Purchased at Poolloomdooritee, in the Sherringill District.	
Unknown - - -	- - Ditto - -	- Ditto -	Waterwoman. -		
About 1819 - -	- - Ditto - -	- Ditto -	Servant - -	Purchased at Poolloomdooritee in ditto.	
1 July 1831 - -	From her mother -	Gul. Fans. 31	- - A maid of the house.	Purchased at Anjengo.	
1834 - - -	- - Ditto - -	25	- - Ditto - -	At Caroomgollam	
23 July 1832 -	From her parents -	32 1/2	- - Ditto - -	- - Mortgaged by her parents at Anjengo.	
1810 - - -	- From a man called Nanapoo.	25	Cook-maid - -	Purchased at Oodiagherry.	
1806 - - -	From her late mother	Unknown	- Ditto - -	- - Given with the portion of dowry by her late owner Panderam Pires, of Anjengo.	
1804 - - -	- - From a woman, called Antonia.	Fanams. 30	Now beggar - -	- - This woman was first bought by Antonio of Thivandrum, who resold her at Anjengo.	- - This woman is allowed monthly 3 fanams from the poor fund at Anjengo.
17 April 1810	From Andra Joze -	150	- Ditto - -	Purchased at Anjengo - - -	- - This woman is allowed monthly 6 fanams from the poor fund.
1800 - - -	From her parents -	80	- - Lives by her own labour.	- - - Ditto.	
1785 - - -	From her late father	125	- - Lives with her husband.	- - - Ditto.	
1801 - - -	From her late mother	Unknown	- - A maid of the house.	Purchased at Atterguerray.	
1805 - - -	From his late uncle	- Ditto -	Labourer - -	Ditto at Coimnadab.	
5 January 1836	From her mother -	30	- - A maid of the house.	- - Mortgaged for the amount by her mother at Anjengo.	
1 July 1832 - -	From former owner	55	- - Ditto - -	- - Bought at Anjengo, first by Salvador, whose brother afterwards sold her to the said Coohoo Shavareeah.	
1831 - - -	From his father -	40	Servant - -	Purchased at Anjengo.	
1833 - - -	From her ditto -	35	- - A maid of the house.	- - - ditto.	
1831 - - -	From his ditto -	40	A servant - -	- - Ditto, but his father since paid Madavadean Davido the 40 fanams, and took the boy back, and sold him for a few fanams more to a Catanar, who carried him to Cochín.	

(A true copy.)

(signed) J. S. Fraser, Resident.

(A true copy.)

(signed) H. Chamier, Chief Secretary.

CORRESPONDENCE ON THE SLAVE TRADE,

No. 4.
MADRAS.

(No. 1541.)

EXTRACT from the MINUTES of CONSULTATION, under date 15 Nov. 1836.

No. 3. Read the following Letter (No. 588) from *A. T. Onslow*, Esq. Secretary Revenue Board, to the Chief Secretary to Government; dated 24 Oct. 1836.

Sir,

From the Principal Collector,
11th in Cons. 28th July 1836.
To ditto, 12th Sept. 1836.
From ditto, 20th Sept. 1836;
in Cons. 6th Oct. 1836.

Para. 1. I AM directed by the Board of Revenue to request that you will submit, for the orders of the Governor in Council, the correspondence noted in the margin, upon the subject of emancipating the slaves on the Government lands in the district of Malabar.

Para. 1356 of Mr.
Græme's Report to
Government, dated
14 Jan. 1822.

2. The lands in question are those which escheated to Government, and are treated of in Mr. Græme's Report, noted in the margin; and from the slaves attached to them the Government have yearly derived a revenue, which Mr. Clementson requests permission to exclude from his accounts, proclaiming to the slaves their freedom.

In Cons. 7 Dec.
1835.

3. Adverting to the observation contained in the 9th paragraph of a letter from the government of India to the Commissioner for Coorg, dated the 12th October 1835, transmitted to the Board with the Extract from the Minutes of Consultation, dated the 24th November, that the legislature has already laid down the humane principle that the extinction of slavery in India is to be effected as soon as it may be practicable and safe to do so, the Board have no hesitation in recommending that Mr. Clementson's request be complied with.

4. The amount of annual revenue which will be lost to Government, in the event of the slaves being manumitted, is, Rs. 927. 13. and may appear as a deduction in the jummalbund accounts.

(signed) *A. P. Onslow*,
Secretary.

Revenue Board Office, Fort. St. George,
24 October 1836.

(No. 47.)

From *F. Clementson*, Esq. Principal Collector, *Malabar*, to the President and Members of the Board of Revenue, *Fort St. George*; dated 11 July 1836.

Gentlemen,

With reference to the 34th paragraph of my letter, under date 18th March last, I have now the honour to forward the statement therein alluded to, and to request that the sanction of Government may be obtained for my excluding from the accounts the sum of Rs. 168. 9. 2. the pottom received from the occupants of the Government lands on account of the slaves attached thereto, and of proclaiming to these poor people the order of Government that they are free men.

Amount in col. 16 of the State-	
ment -	Rs. 927 13 -
Deduct, ditto in	
col. 13 -	168 9 2
Difference	Rs. 759 3 10

2. It will be necessary to grant remissions to the extent of Rs. 759. 3. 10. on account of the rent paid for slaves, which is at present blended with the rent of lands leased out to several ryots, for which also I beg to request sanction.

(signed) *F. Clementson*,
Principal Collector.

Malabar, Principal Collector's Office, Calicut,
11 July 1836.

LIST of SLAVES of the SOUL attached to the Lands belonging to Government in Malabar.

TALOOKS.	Total Number of Slaves.						Deduct Old and Young not able to Work.			Remainder fit for Work.			Rent at present received by the Sirkar on account of part of the Slaves in Col. 12.	Annual Rent of each Slave, according to the Usage of the Country.		Total Amount of the Annual Rent of the Slaves in Col. 12, according to the Rates in Cols. 14 & 15.	Average Price of each Slave, according to the Usage of the Country.		Total Value of the Slaves, according to the Rates in Cols. 17 & 18.	Number of Slaves on whom there are Kanam Claims.	Number of Slaves held in Jeer Right.			
	Adults.		Children.		Total.	M.	F.	Total.	M.	F.	Total.	For each Male.		For each Female.										
	M.	F.	M.	F.																				
															2.		3.	4.				5.	6.	7.
1.																								
Calicut																								
Coornanaad																								
Ernaad	465	427	262	146	1,290	203	192	485	424	361	805	-	-12	-8	517 10	20	15	13,110	-					1,290
Shernaad	16	12	8	6	42	12	8	20	12	10	22	-	-12	-8	14	12 8	20	212 8	-					42
Beitunaad																								
Changbhat	69	60	20	22	171	27	25	52	62	57	119	16 8 7	-11 5	-9 2	76 13 9	21 6 10	28 9 2	4,250	-					171
Kootnaad	1				1				1		1		-9 2	-	-9 2	22 13 9	17 2 3	-	1					5
Nidunganaad	3	3	1	1	8	1	1	2	3	3	6	2 2 3	-6 1	-5 4	3 9 3	28 9 2	30 11 3	180	-	3				19
Wallooanaad	11	11	8	3	33	9	5	14	10	9	19	3 9 3	-6 10	-4 7	9 11 5	28 9 2	271 6 11	14					59	
Palghat	26	24	18	14	82	19	14	33	25	24	49	10	1 11 5	1 11 5	63 6 10	21 6 11	42 13 9	1,300 11 6	23				49	
Temalpoorn	20	23	16	14	73	18	18	36	18	19	37	11 6 10	1 6 10	-13 9	37 2 4	28 9 2	34 2 3	973 13 9	24				186	
Wynaad	64	60	32	30	186	34	35	69	62	55	117	124 4 3	1 15 2	-	124 14 3	25	-	1,328	-					
Karay																								
Chertul																								
Cotiote	45	40	20	18	123	25	19	44	40	39	79	-	2	-	80	20	10	1,190	-					123
Kartanaad																								
Cochin																								
Neilgherry																								
Total	710	660	385	254	2,009	438	317	755	657	597	1,254	168 9 2	-	-	927 13	-	-	22,833 10 5	65					1,944

22.—REMARKS:

The total number of slaves in Column 6 may be divided as follows:

Slaves attached to lands belonging to Government - - - - - 171
 Ditto - - - to lands escheated to Government - - - - - 1,718
 Ditto - - - to lands lapsed to Government for want of heirs - - - - - 120

2,009

The rent entered in Col. 13 is for part of the slaves only; the rent receivable for the others (forming a greater portion) is blended with the amount payable by each lessee, the proportions for lands and slaves not being distinctly shown in the lease. Calculating the rent according to the usage of the country, it will, as shown in Col. 16, amount to Rs. 927. 13.
 This list includes the 122 slaves allotted to in the 31st paragraph of the Report, dated the 18th March 1836.

(Errors excepted.)

(signed) F. Clementson, Principal Collector.

No. 4.
MADRAS.

No. 4.

Legislative Department.

(No. 249.)

From *W. H. Macnaghten*, Esq., Secretary to the Government of India, to *J. P. Grant*, Esq., Officiating Secretary to the Indian Law Commission; dated 17 July 1837.

Sir,

IN continuation of my letter, No. 66, dated the 7th December 1835, to the address of Mr. Secretary Millett, I am directed by the Right honourable the Governor-general in Council, to transmit to you to be laid before the Indian Law Commissioners, for their consideration of the subject in its proper place, copies of a communication from the Chief Secretary to the Government of Fort St. George, dated the 6th ultimo, and of its enclosures, relative to the system of slavery existing among the Portuguese inhabitants of Anjengo.

2. Part of the enclosures of Mr. Chamier's letter are sent in original, which you will have the goodness to return to this office, when they are no longer required for the use of the Commission.

I have, &c.

(signed) *W. H. Macnaghten*,

Council Chamber, 17 July 1837.

Secretary to the Government of India.

EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 10 April (No. 4.) 1838.

Dy 24 Oct.
1837, Nos. 3 & 4.
Child stealing.

Para. 16. THE magistrate of the northern division of Arcot addressed us, requesting our orders for the disposal of a case of child-stealing; we directed the judges of the Sudder and Foujdaree Adawlut to issue the necessary instructions for bringing the prisoner in question to trial before any one of the criminal courts of the zillahs, specified in the letter addressed to them under date the 12th March 1833, No. 214, at which it would be most convenient for the witnesses to attend.

EXTRACT JUDICIAL DESPATCH to *Fort St. George*, dated 27 Jan. (No. 5) 1841.

Letter, 10 April (4) 1838; (16.) Instructions for the trial of a person charged with child-stealing in the town of Pondicherry.

Para. 55. Approved.

No. 3.

EXTRACT, *Fort St. George*, Judicial Dy to Consultation of 24 Oct. 1837.

18th. Received the following Letter (No. 232) from *G. M. Ogilvie*, Esq., Magistrate of North Arcot, to the Chief Secretary to Government, *Fort St. George*, dated 16 October 1837.

Sir,

Magistrates' Department.

Para. 1. I HAVE the honour to solicit the orders of Government in a case now before me of child-stealing, which it appears necessary that I should report my proceedings on to the Governor in Council, under clause 3, section 2, Regulation II. of 1829.

2. The case is this: a prisoner named Budder Samy Chitty, an inhabitant of Combaconum, and a native subject of the British Government, stands charged with having (date not known) about three months ago inveigled Nagoo, a female child of nine years old, from the house of its mother-in-law, named Comulumah, residing in and an inhabitant of Pondicherry, and conveying it to Wallajahnugger, a town in North Arcot, with the intention of selling it.

3. The prosecutrix Comulumah states that, about three months ago, her daughter-in-law had gone out about 8 o'clock in the morning to a well in the town of Pondicherry; the child not returning she gave intimation to the police authorities in Pondicherry, who made every exertion to find the child, but without success. That about 10 days after she was informed that the child had been seen in Trichinopoly, she went there on receiving this information, but returned again to Pondicherry, being unable to discover it. Two months after this a relation of hers, named Calapachetty, residing in Wallajahnugger, addressed

AND MEASURES TAKEN FOR ITS ABOLITION.

No. 4.
MADRAS.

addressed her by letter, stating that the lost child was residing in that town with the prisoner, Buddersamy Chitty, and that he, the prisoner, had shown it to a dancing girl named Bogum, and was endeavouring to dispose of it to her by sale, upon which she, the prosecutrix, immediately proceeded to my office.

4. Before the prosecutrix's arrival at my office, the head of police had sent the prisoner and child before me upon information received from another individual, an inhabitant of Pondicherry, who was at that time in Wallajahnugger, and knowing the circumstance of the child being carried off, had accidentally seen it with the prisoner.

5. The prosecutrix and child resided three years ago at Combaconum, and it appears from the evidence of both, that the prisoner, an inhabitant of that place, and residing there at that time, had carried away this child then with the intention of selling it; that proof was established to that effect, and that he was sentenced to imprisonment by the criminal judge.

6. The prisoner has nothing to say in his defence; he states that he received the child from the individual to whom it is betrothed, and therefore carried it away with him. He acknowledges having been tried for the same offence at Combaconum, committed upon the same child.

7. Several witnesses are still in Pondicherry that can speak to the fact of the child being carried off by the prisoner; but until I receive instructions how to dispose of the case, I have stopped all further proceedings.

(signed) *G. M. Ogilvie*, Magistrate.

North Arcot, Magistrates' Office, Chittoor,
16 October 1837.

THE Right honourable the Governor in Council requests the Judges of the Sudder and Foujdaree Adawlut will be pleased to issue the necessary instructions on the part of Government for bringing the prisoner, mentioned in the foregoing letter, to trial before any one of the criminal courts of the zillahs specified in the letter addressed to them under date the 12th March 1833, No. 214, at which they may consider it will be most convenient for the witnesses alluded to by the magistrate in the concluding paragraph of his letter to attend.

No. 4.

Fort St. George, 21 October 1837.

(True extract.)

W. E. Underwood,
Acting Deputy Secretary to Government.

EXTRACT REVENUE DESPATCH to *Fort St. George*, dated 17 August (No. 12) 1838.

Para. 17. WE entirely approve this proceeding, and we desire that you will take into consideration without delay the means of extending a similar benefit to the slaves on the estates of private individuals in this and other districts. You will, of course, see the necessity of using extreme caution in carrying into effect any measures, however desirable in themselves, which may have a tendency to interfere with the domestic relations of our native subjects.

Letter from, dated 18th April (No. 6) 1838 (25.) Emancipation of the Government slaves in Malabar reported, and the relinquishment Rs. 927. 13. in the annual Jummabundy counts, being the revenue derived from the sanctioned.

EXTRACT JUDICIAL LETTER from *Fort St. George*, dated 18 July (No. 7) 1839.

28. THE correspondence which accompanies this paragraph relates to the subject adverted to in para. 1 of the extract from the Minutes of Consultation in the Judicial Department, No. 986, dated 24th October 1837, of which a copy was forwarded in a communication addressed to the secretary at the India House, 238.

Slavery in Malabar
under

No. 4.
MADRAS.

under date 9th January 1838, No. 2, wherein the Board of Revenue were requested to consider, in communication with the local officers in Malabar, and to report the measures it would be advisable to adopt with the view of ameliorating the condition, and improving the morals of the unfortunate class of people in that district, denominated Chermurs, or rustic slaves. In their letter of the 15th October 1838, the Board submitted one from the principal collector of Malabar, conveying his sentiments on the practicability of giving effect to the object contemplated, with their own opinion on the subject; and, in our proceedings of the 4th December following, we expressed our own views, and in calling for further information, chiefly as regarded the manner in which the Chermurs were fed, clothed, and lodged, as compared with the free classes, and the tenures upon which slave property was held in Malabar, we took the opportunity of furnishing the Board with an extract from your honourable Court's despatch of the 17th August 1838, in which the emancipation of the slaves in the Government lands of the above district was approved, and desired that means might be devised for extending a similar benefit to the slaves on the estates of private individuals. The further communication of the Board of Revenue of the 21st February 1839, giving cover to a report from the same officer, represents "that although no material change in the clothing and food of this class has been made since 1822, a decided improvement in their treatment by their masters had taken place," and that the principal collector is of opinion that the Chermurs are by no means in a worse condition than many of the free field labourers in North Malabar, where there were few or no slaves, and that though the power of selling the slaves without the land, and children without the parents, is claimed by the landlords, in practice the proceeding is seldom or never adopted. The principal collector suggested the expediency of offering a remission of land revenue to slave-owners on satisfactory proof of the improved condition of each slave, and of the owner being in the habit of treating them with kindness, a proposition which the Board promised not to lose sight of, though at the time they observed that it was not before them in a shape sufficiently explicit to enable them to recommend its adoption by Government. We stated in reply that no remission of land revenue could be granted without the authority of the Government of India; but that we would be prepared to give consideration to the measure when submitted to us in a proper form, and observed that we were satisfied the Board would watch the subject of the improvement of the condition of the Chermurs with that interest which it eminently merited, and leave no available means untried for effecting that object.

EXTRACT LEGISLATIVE LETTER from *India*, dated 21 October (No. 24) 1839.

Slavery; the Chermurs, or rustic slaves, in Malabar.

Leg. Cons. 4 Feb. 1839, Nos. 17 and 18.

— 8 April 1839, Nos. 21 to 28.

— 8 July 1839, Nos. 18 and 19.

Ext. para. 119. We have referred, for the consideration of the Commissioners, in connexion with the general subject of slavery in India, copies of the accompanying papers, and others, in original, respecting the Chermurs, or rustic slaves in Malabar.

EXTRACT JUDICIAL DESPATCH to *Fort St. George*, dated 3 February (No. 7) 1841.

Letter from, dated 18th July (No. 7) 1839; (28.) Amelioration of the condition of the Chermurs, or rustic slaves, in Malabar.

Para. 49. It is gratifying to us to learn that a decided improvement has taken place in the treatment of the Chermurs of Malabar by their masters, and that, in point of food and clothing, they are not in a worse condition than many of the free field labourers. We approve of your instructions to the Board of Revenue, for the purpose of promoting the welfare of that class of persons. The means of effecting the contemplated change in their condition will be embraced in the consideration of the general question of slavery, on which the Government of India, and the Law Commission, have long been actively employed.

No. 4.
MADRAS

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council in the Judicial Department; dated 4 February 1839.

(No. 24.)

From *H. T. Prinsep*, Esq. Secretary to the Government of India, to *H. Chamier*, Esq. Chief Secretary to the Government of Fort St. George; dated 4 February 1839.

No. 17.

Sir,

I AM directed to acknowledge the receipt of the Abstract of the Proceedings of the Right honourable the Governor in Council in the Judicial Department on the 4th December last, and to request that his Lordship will favour the Honourable the President in Council with the papers to which the entry No. 1 relates.

I have, &c.

(signed) *H. T. Prinsep*,
Sec. to the Government of India.

Fort William, 4 February 1839.

(No. 22.)

From *H. T. Prinsep*, Esq. Secretary to the Government of India to *H. W. Torrens*, Esq. Officiating Secretary to the Government of India with the Governor-general; dated 4 February 1839.

No. 18.

Sir,

I AM directed to forward to you, for the perusal of the Right hon. the Governor-general, the accompanying Abstract of Proceedings of the Government of Fort St. George, in the Judicial Department, dated the 4th December last, and to state that the papers referred to in the entry No. 1 have been called for, for the perusal of the Honourable the President in Council.

2. You will be pleased to return the abstract for deposit in the Presidency office.

I have, &c.

(signed) *H. T. Prinsep*,
Sec. to the Government of India.

Fort William, 4 February 1839.

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Legislative Department; dated 8 April 1839.

From *T. H. Maddock*, Esq. Officiating Secretary to the Government of India with the Governor-general, to *J. P. Grant*, Esq. Officiating Secretary to the Government of India; dated 25 February 1839.

No. 21.

Sir,

I AM directed by the Right hon. the Governor-general to acknowledge the receipt of Mr. Secretary Prinsep's letter, No. 22, dated the 4th instant; and, in reply, to return the Abstract of Proceedings of the Government of Fort St. George, in this department, of the 4th December last, received with it, nothing in it requiring remark or observation.

2. You are, however, requested, with the sanction of his Honor in Council, to forward to this office for his Lordship's information a copy of the papers entered as No. 1 of the Abstract, on their receipt from the Government of Fort St. George.

I have, &c.

(signed) *T. H. Maddock*,
Officiating Secretary to the Government of India
with the Governor-general.

Camp, Sumbhalka, 25 February 1839.

No. 4.
MADRAS.

(No. 187.)

From *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*,
to *H. T. Prinsep*, Esq. Secretary to the Government of *India*; dated
28 February 1839.

No. 22.
Judicial Department.

Sir,

1. Letter from the Acting Secretary to the Board of Revenue, of 15th Oct. 1838, with the Principal Collector's letter submitted therewith.
2. Extract Minutes of Consultations, 30th Nov. 1838, No. 1116.
3. Extract (para. 1) from the Proc. of the Fouj. Adawlut, of 14th Oct. 1837, with extract (para. 4 and 5) of the Circuit Judges' Report, submitted therewith.
4. Extract (para. 1) of the Orders of Government, of the 24th Oct. 1837, No. 986.
5. Letter from the Secretary to the Sudder Board of Revenue, of 14th Oct. 1836, with the Principal Collector's letters, submitted herewith.
6. Extract Minutes of Consultation, 15th Nov. 1836, No. 1541.

I AM directed by the Right hon. the Governor in Council to transmit, for the information of the honourable the President in Council, copies of the papers requested in your letter of the 4th instant, No. 24, relative to the Chermers, or rustic slaves in Malabar, together with copies of the previous papers on the same subject, as noted in the margin.

I have, &c.

(signed) *H. Chamier*, Chief Secretary.

Fort St. George, 28 February 1839.

(No. 456.)

No. 23.
Enclosure.

From *P. B. Smollett*, Esq. Acting Secretary to the Revenue Board at *Fort St. George*; to the Chief Secretary to Government; dated 15 October 1838.

Sir,

Revenue Department.

14th April in Cons.
7th May 1838.

Para. 1. THE Board of Revenue having furnished the principal collector of Malabar with copy of an extract from the Minutes of Consultation of the 24th October last, with transcript of extracts from the proceedings of the Foujdaree Court, and of the first judge on circuit in the western division, relative to the persons denominated Chermers in Malabar, I am now directed to request you will lay before Government the accompanying letter from Mr. Clementson, submitting his sentiments on the practicability of improving the condition of this class.

2. The present reference originated on a consideration of the very large number of charges of murder in which this class of persons were concerned, 13 or 31 cases of murder having been stated to have been committed by this degraded race, who were represented to be devoid of all feeling, and to possess little of humanity but its outward form. It will be seen, however, from Mr. Clementson's letter, that, low and degraded though their condition is acknowledged to be, the number of atrocious crimes in which the Chermers were concerned does not, in the course of 10 years, exceed the proportion of their own numbers in reference to the free population of the district. The late census, it is said, gives their numbers at 1,44,371, or about one-seventh of the population of the entire province.

3. The Board regret they are unable, with the information now before them, to suggest any well-digested scheme for the permanent improvement of this servile class. The immediate introduction of schools does not appear to them calculated to ameliorate their condition; for the physical improvement of the Chermers must precede, they are inclined to think, any extended efforts for their mental culture. The question of slave emancipation in the western province is one attended with much difficulty; for it is observed, by the first judge on circuit himself, that it is uncertain how far the Chermers are themselves discontented with their present state of servitude, assigned by birth, and inculcated by local usage; and it is obvious that no step should be prematurely taken to afford them relief until they are in a fit state to benefit by the change. However much, then, their present state of bondage is to be lamented, the measures taken for its amelioration must be gradual, and carried out with discretion, and in concurrence with the landholders on whose estates they are located. Any hasty legislation on this subject would otherwise occasion much discontent, and be considered as an invasion of private rights.

(signed)

P. B. Smollett,

Acting Secretary.

Revenue Board Office, Fort St. George,
15 October 1838.

(No. 24.)

From *F. Clementson*, Esq. Principal Collector, *Malabar*, to the Secretary to the Board of Revenue, *Fort St. George*; dated 24 April 1838.

Sir,

Para. 1. I do myself the honour to acknowledge the receipt of the Board's proceedings under date the 2d November last, conveying copy of an extract from the Minutes of Consultation, dated the 24th of the preceding month, on the subject of the best measures to be adopted with the view of ameliorating the condition and improving the morals of the unfortunate class known generally by the name of Chermers.

2. However desirable the consummation of such an object may be, I confess I am at a loss to suggest any plan which may not involve a violation of the rights of private property, and consequently give rise to much discontent.

3. The only way of improving the morals of the prædial or rustic slaves of Malabar would be by ameliorating their condition, and by establishing schools. This has, I understand, been attained, to a very satisfactory extent, as regards the slaves attached to Mr. Brown's estate at Anjeracandy; and it appears very evident to me that any permanent improvement in their condition and morals must emanate from the master of the slave; and this can alone be done by bettering his condition, and thus enabling him to increase the comforts of the slave, to treat him with greater indulgence, and to dispense partially with his services; a measure that can only be effected, I apprehend, by a relinquishment of revenue and the establishment of schools through the district.

4. It is satisfactory to remark, to the credit of this degraded race, that on reference to the accounts for the last 10 years, the murders committed by them do not exceed the number annually committed by the free castes, the average number of murders committed by Chermers being less than (5) five cases, and (10) ten persons per annum. This, from a population of 1,44,371 (the number of slaves of all descriptions, according to the last census), is not perhaps more than occurs amongst the more civilized parts of the population of other districts.

5. The proportion which the aggregate number of slaves bears to the general population* of the district is a fraction above one-seventh, which corresponds with the share of murders that falls to them; for out of 36 cases (the average of the total number of murders) five only were, as already noticed, committed by Chermers.

* 1,140,916

(signed) *F. Clementson*,

Malabar, Principal Collector's Office, Calicut,
24 April 1838.

Principal Collector.

(No. 1116.)

EXTRACT from the MINUTES of CONSULTATION, under date 30 Nov. 1838.

No. 1.

Read the following Letter from the Acting Secretary to the Board of Revenue.

(Here enter 15 October 1838, No. 456.)

THE improvement of the condition of the Chermers, or rustic slaves of Malabar, is a subject of such manifest importance, that no measures should be left untried to effect it. The Right honourable the Governor in Council does not consider a legislative enactment to be expedient at this moment, in furtherance of the object in view, but presumes that endeavours may be made to have them better fed and clothed, by offering rewards and encouragement to such landlords as may be able to show that the condition of their slaves has been bettered. This would be a first step; and, when physically improved, schools might be opened with advantage. He desires, therefore, that the principal collector may be called upon to report how the Chermers are fed, clothed, and lodged, as compared with the free classes, and what description of reward he would recommend to be given to landlords for the improved condition of their slaves.

• His Lordship in Council observes, that the honourable the Court of Directors have, in para. 17 of their despatch, dated the 17th August last, approved of the measures adopted by this Government for the emancipation of the slaves on the

No. 4.
MADRAS.

Government lands of this district, and have directed that means may be devised for extending a similar benefit to the slaves on the estates of private individuals; he resolves accordingly to transmit a copy of the above paragraph to the Board of Revenue, in view to the subject receiving their consideration in connexion with the present reference.

His Lordship in Council is also desirous of knowing whether the ancient tenures upon which slave property was held in Malabar are still maintained, viz. whether the proprietor of slaves has still the power of mortgaging them, and of letting them out for hire as well as of selling them; whether they can be separated from the land and sold, and whether children can be sold separate from their parents.

No. 2.

EXTRACT from the PROCEEDINGS of the FOUJDAREE ADAWLUT, dated
14 October 1837.

Para. 1. THE Court of Foudaree Udalut have observed, and they think it worthy of the notice of Government, the remarkable fact stated in the 4th paragraph of the above report, that out of 31 murders perpetrated and tried during the last and present sessions, 13 were committed by that degraded class of people the Chermers. The Foudaree Adawlut beg to recommend to Government that the local officers be called upon to report whether measures cannot be devised for improving the condition and morals of this most degraded race, possessing of humanity little else than its outward form.

No. 3.

EXTRACT from a REPORT from the 1st Judge, late on Circuit in the WESTERN
DIVISION, dated 16 August 1837.

No. V.

	Cases.	Pri- soners.
Sessions, 1836 - -	22	31
perpetrated by Chermers -	9	13
Sessions, 1837 - -	9	17
perpetrated by Chermers -	4	6

Para. 4. In this case the prisoners were all Chermers; and it may perhaps be worthy of remark, that out of 31 murders perpetrated and tried during the last and present sessions (*vide* marginal note), 13 were committed by this degraded and low class of people, who in the commission of such deeds appear to have been void of all feeling, and perhaps will remain so till some measures be devised for the improvement of their morals and present lamentable low condition in society.

5. It would nevertheless be needless to expect that any material or essential change can possibly be brought about, except step by step, and at a period when they may have attained a greater degree of civilization calculated to extend their mental faculties, and open their eyes as to their present situation; this accomplished, and the pleasing prospect will begin to brighten, of being able to ameliorate the present condition of this unfortunate and no less illiterate race of fellow creatures; whereas any steps prematurely adopted with the view of affording them relief before they are in a fit state to benefit by, or duly estimate emancipation from slavery, may irrecoverably tend to frustrate the grand object sought for, in the relapse of a great portion to their former state of bondage, even if once liberated; for it is not quite clear if, and to what extent, they are discontented with their present state of servitude, assigned by birth, and inculcated on them from infancy by local usages.

No. 4.

EXTRACT from the ORDER of GOVERNMENT, dated 24 October 1837 (No. 986).

Para. 1. THE Board of Revenue, to whom a copy of para. 1 of the foregoing proceedings, and of paras. 4 and 5 of the Circuit Judges' Report will be transmitted, will be requested to consider, in communication with the local officers, and report as to the measures it will be advisable to adopt with the view of ameliorating the condition and improving the morals of the unfortunate class of people adverted to therein.

From *A. P. Onslow*, Esq. Secretary to the Board of Revenue, *Fort St. George*, to the Principal Collector of *Malabar*; dated 12 September 1836.

No. 4.
MADRA

Sir,

THE statement which accompanied your letter, noted in the margin, having been mislaid, I am directed by the Board of Revenue to request that you will submit a duplicate copy of it.

11th in Cons.
28th July 183

2. I am also directed to request that you will explain the difference between the nature of the remissions noticed in the 1st and 2d paragraphs of your letter.

(signed) *A. P. Onslow*,
Secretary.

Revenue Board Office, *Fort St. George*,
12 September 1836.

(True copy)

(signed) *A. P. Onslow*, Secretary.

(No. 71.)

From *F. Clementson*, Esq. Principal Collector, *Malabar*, to the President and Members of the Board of Revenue, *Fort St. George*; dated 20 Sept. 1836.

Gentlemen,

I HAVE the honour to forward herewith the duplicate copy of the statement which accompanied my address, dated the 11th July last, called for in Mr. Onslow's letter of the 12th instant.

2. In reply to the 2d paragraph, I beg to explain that, in leasing out the lands belonging to Government, together with the slaves attached thereto, the relative proportion of the rent payable for the lands and slaves has but in very few instances been distinctly specified in the deeds; the majority of them only mention the total annual amount payable by the lessees both for the lands and slaves; the amount entered in column 16 of the statement, viz. Rs. 927. 13. is the proportion of rent payable to Government on account of the slaves, calculated according to the usages of the country. Of this Rs. 168. 9. 2. is specifically mentioned in the deeds; the residue, Rs. 759. 3. 10., is an estimated amount; both forming part of the gross jumma, it will be necessary to strike off the same therefrom, as the lessees will be entitled to remissions to that extent in the event of the slaves, for whose services they now pay, being emancipated as recommended.

(signed) *F. Clementson*,
Principal Collector.

Malabar, Principal Collector's Office,
Calicut, 20 September 1836.

(No. 1541.)

EXTRACT from the MINUTES of CONSULTATION, under date 15 November 1836.

Read the following letter from the Secretary to the Board of Revenue.

(Here enter 24th Oct. 1836, No. 588.)

THE Right honourable the Governor in Council is pleased to accede to the recommendation conveyed in the foregoing letter, in favour of emancipating the slaves on the Government lands in Malabar. The amount of annual revenue to be relinquished on this account is stated to be rupees (927. 13.) nine-hundred and twenty-seven and annas thirteen, which, as suggested by the Board, may appear as a deduction in the jumma bundy accounts.

The Board of Revenue will instruct the principal collector of Malabar relative to the mode of conveying this resolution to the parties concerned. It seems to be unnecessary to proclaim the freedom of these slaves, as proposed by the principal collector; but, on the contrary, it is considered very desirable that the measure should be carried into effect in such manner as not to create any unnecessary alarm or aversion to it on the part of other proprietors, or premature hopes of emancipation on that of other slaves.

(True copies and extracts.)

(signed) *H. Chamier*,
Chief Secretary.

No. 4.
MADRAS.

No. 84.

(No. 361.)

From *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*, to *H. T. Prinsep*, Esq., Secretary to the Government of *India*; dated 12 March 1839.

Sir,

Revenue Department.

Dated 21st Feb. 1839, No. 81.

WITH reference to my letter of the 28th ultimo, No. 187, I am directed by the Right honourable the Governor in Council to transmit, for the information of the Honourable the President in Council, the accompanying copy of a further letter from the Board of Revenue, and of its enclosures, relative to the Chermers or rustic slaves in Malabar, together with a copy of the orders recorded thereon by Government under this date.

I have, &c.

Fort St George, 12 March 1839.

(signed) *H. Chamier*,
Chief Secretary Revenue Department.

(No. 81.)

No. 25.
Enclosure.

From *P. B. Smollett*, Esq. Secretary to the Board of Revenue, *Fort St. George*, to the Chief Secretary to Government; dated 21 February 1839.

Sir,

In Cons. 6th Dec. 1838.

7th Jan. in Cons. 21st Feb. 1839.

Para. 1. WITH reference to the observations recorded in the Minutes of Consultation of the 30th November last, I am directed by the Board of Revenue to request you will lay before Government the accompanying further letter from the principal collector of Malabar, reporting upon the condition of the Chermurs or rustic slaves of Malabar, and replying to the various points noticed by Government in the proceedings under acknowledgment.

2. It will be seen from this letter, that although no material change in the clothing and food of this class has been made since 1822, a decided improvement in their treatment by their masters has taken place. Mr. Clementson adds, that the Churmars are by no means in a worse condition than many of the free field-labourers in North Malabar, where there are few or no slaves. The principal collector also reports that though the power of selling the slaves without the land, and children without the parent, is claimed by the landlords, in practice the proceeding is seldom or never adopted.

3. The principal collector suggests the expediency of offering a remission of land revenue to slave-owners, in satisfactory proof of the improved condition of each slave, and of the owner being in the habit of treating them with kindness, and the Board will not lose sight of the proposition, although at present the suggestion is not before them in a shape sufficiently explicit to enable them to recommend its adoption by Government.

(signed) *P. B. Smollett*, Secretary.

Revenue Board Office, Fort St. George,
21 February 1839.

(No. 2.)

From *F. Clementson*, Esq. Principal Collector, *Malabar*, to the Acting Secretary to the Board of Revenue, *Fort St. George*; dated 7 January 1839.

Sir,

Para. 1. I HAVE the honour to acknowledge on the 24th the receipt of the extract from the Board's proceedings, under date the 6th ultimo, forwarding copy of the Board's letter to the chief secretary to Government, under date the 15th October, together with a transcript of an Extract from the Minutes of Consultation thereon, under date the 30th November last, calling for further information as to the present state of the Churmars of Malabar.

2. In reply I do myself the honour to state, for the information of the Board, that no alteration has taken place in the tenures upon which slave property is held since the report made by Mr. Commissioner Græme in 1822, an account of which is given in detail from para. 32 to 55; little or no amelioration likewise has

has taken place in respect to their food and clothing; as regards the treatment, however, a decided improvement, from all I can learn, has taken place, and it may be said generally, that the slaves of South Malabar, as noticed in my letter to the Chief Secretary to Government, under date the 29th November 1833, are by no means in a worse condition than many of the free field-labourers in North Malabar, where there are few or no slaves.

3. Though the landlords and proprietors of slaves still retain the power of mortgaging and letting them out for hire, as well as of selling them with or without the land, and the children without the parent, still I have reason to believe that the latter proceeding is seldom or never adopted, inasmuch as the purchaser would find it an unprofitable speculation, for in the event of the Churmars running away, which they invariably do if taken even to the adjoining talook, they get no assistance from the local authorities. In further elucidation of this subject, I would take the liberty of submitting a copy of a report made by me to the Provincial Court, under date the 19th December 1835.

4. The only means that suggests itself to me of inducing and ensuring kind and considerate treatment on the part of the landlords and owners of slaves is to offer a remission of land revenue to all owners in double the amount for which slaves are now rented, on satisfactory proof of the improved condition of each slave, and of the owner being in the habit of treating them with kindness.

(signed) *F. Clementson*,
Principal Collector.

Malabar, Principal Collector's Office,
Calicut, 7 January 1839.

No. 4.
MADRAS.

Enclosure, No. 1.

See Statement in
the 34th para. of
Mr. Graeme's Re-
port.

From *F. Clementson*, Esq. Principal Collector and Magistrate, *Malabar*, to the Registrar of the Provincial Court of Appeal and Circuit, Western Division; dated 19 December 1835.

Sir,

I HAVE the honour to acknowledge the receipt, on the 12th, of your letter of the 2d instant, forwarding copy of a letter from the registrar to the Sudder and Foujdaree Adawlut, and requesting me to furnish all the information in my power on the various points enumerated in Mr. Millet's letter.

2. The information called for in the first question, being one entirely of a civil nature, the zillah and assistant judges will doubtless report thereon; I would, however, beg to state, that in the revenue branch of the service the right of the slave to possess and hold land and other property is recognized equally with that of the free man. There are about 377 slaves who at present hold land on different tenures, paying revenue direct to Government, the sum payable by each varying from 1 to 92 rupees per annum. Any complaint of the master taking forcible possession would receive the same attention, and meet with the same redress, as the complaint of a free man.

3. In reply to the second question I beg to state, that, as far as the magistrate's jurisdiction goes, the relation of master and slave has never been recognized as justifying acts which would otherwise be punishable, or as constituting a ground for mitigation of the punishment. Slaves complaining against their masters for acts of violence, receive equal protection with all other castes. They now readily resort to the magistrate's cutcherry, when prompt attention is given to their complaint, and the parties offending against them immediately punished, without any reference to their relative situations in life. A case in point occurred no later than the 20th of October last, when I sentenced an individual to 15 days' imprisonment in the gaol, on the complaint of a female slave, for illegal detention and confinement.

4. During my residence in Malabar, now upwards of three years, I have never had occasion to interfere, as regards the master against the slave. Complaints have occasionally been made of the slave having deserted to a neighbouring estate, when I have invariably pointed out, that the only sure and safe way of proceeding, and preventing a repetition, was kind and considerate treatment, which has always satisfied the parties.

5. The foregoing replies answer the third question, and show that no distinction is made with reference to the wrong-doer being other than the master, both being alike subject to the same amount of punishment.

6. The points embraced in the fourth question being unconnected with the

No. 4.
MADRAS.

magistrate's department, no answer thereto is, I believe, expected from me; but with reference to the wish expressed by the India Commission of obtaining information, especially in regard to the slaves in Malabar, I think I cannot do better than submit herewith an extract from that part of Mr. Græme's Report which relates to the subject, as it contains the most faithful and full account of the slavery of this district ever written or published.

(signed) *F. Clementson*,
Principal Collector and Magistrate.

Malabar, Principal Collector's Office,
On Circuit, Matheelagum, 19 December 1835.

(True copy.)

(signed) *F. Clementson*, Principal Collector.

THE Right honourable the Governor in Council observes, that no remission of land revenue can be granted without the authority of the Government of India; but his Lordship in Council will be prepared to give consideration to the measure when submitted in a proper form.

The Right honourable the Governor in Council is satisfied the Board will watch the subject of the improvement of the condition of the Chermurs with that interest which it eminently merits, and leave no available means untried for effecting that object.

(True copy.)

(signed) *H. Chamier*,
Chief Secretary.

Fort St. George, 12 March 1839.

(No. 206.)

No. 26.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to *H. Chamier*, Esq. Chief Secretary to the Government of *Fort St. George*; dated 8 April 1839.

Sir,

Legislative Department.

I AM directed to acknowledge the receipt of your letters of the 28th of February and the 12th of March last, with the papers which accompanied them.

2. The President in Council requests that, with the permission of the Right hon. the Governor in Council, you will furnish him with a copy of Mr. Græme's Report made in 1822, of which mention is made by Mr. Clementson.

3. His Honor in Council will be glad to be kept acquainted, from time to time, with any further reports that may be made on the Chermurs of Malabar, and with any measures that may be taken for the improvement of their condition.

I have, &c.

(signed) *J. P. Grant*,

Officiating Secretary to the Government of India.

Fort William, 8 April 1839.

(No. 140.)

No. 27.

From *J. P. Grant*, Esq. Officiating Secretary to the Government of *India*, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission; dated 8 April 1839.

Sir,

Legislative Department.

I AM directed by the honourable the President in Council to forward to you, to be laid before the Indian Law Commissioners, and to be considered by them in connexion with the general subject of slavery in India, the accompanying papers, in original, from the Chief Secretary to the Government of *Fort St. George*, respecting the Chermurs or rustic slaves in Malabar.

Letter from the Government of *Fort St. George* to the Honourable the Court of Directors, dated 18th April 1837, No. 6, para. 25, in the Revenue Department.

2. As connected with the above subject, I am directed to forward to you copies of the papers noted on the margin, relative to the emancipation of the Government slaves in Malabar.

3. You

3. You will be pleased to return the original papers herewith sent, when no longer required by the Commissioners. Letter from the Honourable the Court of Directors to the Government of Fort St. George, dated 17th Aug. 1838, No. 12, para. 17, in the Revenue Department.

I have, &c.

(signed) *J. P. Grant,*

Officiating Secretary to the Government of India.

Council Chamber, 8 April 1839.

(No. 205.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to *T. H. Maddock*, Esq. Officiating Secretary to the Government of India with the Governor-general; dated 8 April 1839.

No. 28.

Sir,

With reference to the 2d paragraph of your letter of the 25th February last in the Judicial Department, I am directed by the Honourable the President in Council to forward to you, for the information of the Right hon. the Governor-general of India, copies of the letters from the Chief Secretary to the Government of Fort St. George, dated 28th February and 12th March last, with their respective Enclosures, relative to the Chermurs or rustic slaves in Malabar. Legislative Department.

I have, &c.

(signed) *J. P. Grant,*

Officiating Secretary to the Government of India.

Fort William, 8 April 1839.

EXTRACT from the PROCEEDINGS of the Hon. the President of the Council of India in Council in the Legislative Department; dated 8 July 1839.

(No. 401.)

From *H. Chamier*, Esq. Chief Secretary to the Government of Fort St. George, to *J. P. Grant*, Esq. Officiating Secretary to the Government of India; dated 14 May 1839.

No. 18.

Sir,

Para. 1. I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter of the 8th ultimo, No. 206, and to transmit herewith a copy of Mr. Græme's Report of the 14th January 1822, regarding the Chermurs of Malabar. Judicial Department.

2. I am also directed to intimate that the wishes of the Honourable the President in Council to be kept acquainted, from time to time, with any further reports that may be made on this subject, and with any measures that may be taken for the improvement of the condition of the Chermurs, will be duly attended to.

I have, &c.

(signed) *H. Chamier,*

Chief Secretary.

Fort St. George, 14 May 1839.

(No. 284.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission; dated 8 July 1839.

No. 19.

Sir,

In continuation of my letter, No. 140, of the 8th April last, I am directed by the Honourable the President in Council to forward to you, to be laid before the Indian Law Commissioners, the accompanying Report by Mr. Græme, dated 14 January 1822. Legislative Department.

I am, &c.

(signed) *J. P. Grant,*

Officiating Secretary to the Government of India.

Council Chamber 8 July 1839.

No. 5.

—No. 5.—

MADRAS.

KIDNAPPING of CHILDREN in certain Maritime Districts under the *Madras* Presidency ;—Seizure of a Native Brig at *Madras* with 32 Children on board; Trial and Acquittal of the Parties.

EXTRACT MARINE LETTER from *Fort St. George*, dated 17th December, No. 10, of 1839.

In Cons. 5 Nov. 1839, No.

12

26

Dy. „ 3 Dec.

In Cons. 3

Dy. to Cons. 10

In Cons. 10

Kidnapping children.

Para. 3. THE beach magistrate having reported that he had caused the *nacodah*, or commander of a native brig, the *Maydeen Bux*, and certain other persons, to be placed in custody on a charge of being concerned in kidnapping children, with an intent of dealing with them as slaves; we instructed the advocate-general to advise with Captain Biden as to the course proper to be pursued, with a view of bringing the parties to trial before the Supreme

Court. Thirty-two children, stated to have been embarked at Calingapatam, and destined for Nagore, were discovered on board the brig, all of very tender age, none being more than ten, and some apparently only four years old.

4. The *Maydeen Bux* has been detained in the *Madras Roads*, pending further proceedings; and as the crew were on shore for examination, &c. it became necessary, for her preservation, to engage a competent crew, who have been placed in her, under the command of the Government ghaut syrang. The children rescued from the vessel being in a very destitute condition, were provided with blankets, and are now under charge of the beach magistrate.

5. As there appeared much reason to suspect, from an inquiry instituted by the beach magistrate, that other vessels were similarly engaged along the coast, particularly at Calingapatam, Vizagapatam, Bimlipatam, and Nagore, at the first of which ports children were believed to be kept in waiting for another vessel bound to Nagore, we caused the collectors and magistrates of the different maritime districts to be put in possession of the facts detailed, and instructed them to adopt measures for putting a stop to the traffic, and for the apprehension and punishment of persons concerned therein.

6. We also reported the circumstance to his Excellency the Naval Commander-in-chief, in order that measures might be adopted (in event of the charge being established) for the seizure of the brig, under the slave-dealing Acts 5 Geo. 4, cap. 113; his Excellency has, in reply, intimated to us that the necessary orders on the subject had been issued, and steps taken, with a view to the commanders of H. M. ships in the Bay of Bengal keeping a look out for slave-trading vessels, and co-operating with the civil authorities on the coast in the suppression of this illicit traffic.

EXTRACT MARINE LETTER from *Fort St. George*, dated 11th February, No. 1, of 1840.

In Cons. 24 Dec. 1839, Nos. 15, 16, 19 and 20.

In Dy. to Cons. 7 Jan. 1840, Nos. 7 to 10.

In Cons. 7 Jan. 1840, Nos. 14 to 17.

„ 14 Jan. „ Nos. 16, 17, 20 to 23.

In Dy. to Cons. 21 Jan. 1840, No.

In Cons. 21 Jan. 1840, No.

„ 28 Jan. „ No.

In Dy. to Cons. 4 Feb. 1840, No.

In Cons. 4 Feb. 1840, No.

Para. 2. IN that despatch, paras. 3 to 6, we reported the detention of a native brig, the *Maydeen Bux*, and the confinement of her commander and others, on a charge of kidnapping children, with an intent of dealing with them as slaves; we now regret to state, that through an omission in the indictment, which reflects great discredit upon the person who drew it up, the parties tried have been

acquitted: and as the advocate-general was of opinion that the judgment given in the case precluded any ulterior measures, we authorized the beach magistrate to adopt measures for sending back the witnesses to their respective districts, and for the disposal of the children taken from the vessel.

3. Among

3. Among the extraordinary statements which this investigation has placed on record, your Honourable Court will observe, that from the depositions of the corripoly of the vessel, confirmed by his evidence in the Supreme Court, it appears that a number of children are sent away in native vessels from Nagore beyond sea, to countries eastward, and there sold to the Malays, or perhaps the Dutch; and as it has been submitted that this traffic may extend along the coast of Sumatra from Bencoolen to Acheen, and probably to other places nearer to our settlements within the Straits of Malacca, we communicated the circumstance to the resident councillor at Penang, and requested that the subject might receive his attention, and that he would favour us with the result of his inquiries, in order that we might adopt such measures as might appear desirable.

4. We have also requested the acting principal collector of Tanjore to make strict inquiries regarding the supposed traffic in slaves from the northern ports to Nagore, and from thence to the eastward, and report the result for our information.

JUDICIAL DESPATCH to *Fort St. George*, dated 16 September (No. 12) 1840.

Paras. 3 to 6, Madras Marine Letter, dated 17 December (No. 10) 1839.

-- 2 to 4, -- -- -- 11 February (No. 1) 1840.

Para. 1. FROM these communications we learn that the owner and commander of a native brig *Maydeen Bux*, and other persons belonging to that vessel, were apprehended in Madras Roads, and brought to trial before the Supreme Court, on a charge of having kidnapped a number of young children, and of carrying them into slavery. Thirty-two children you state were discovered on board the brig, all of very tender age, none being more than ten, and some apparently only four years old. The prisoners were acquitted in consequence of a flaw in the indictment, and no further proceedings could legally be instituted against them.

Kidnapping young children.

2. This result is much to be regretted, and reflects great discredit on the law officers through whose negligence it occurred, an opinion which you will communicate to the advocate-general.

3. Another vessel, *Streevaslee Lutchmy*, arrived about the same time from Rangoon, having ten young children on board, whom, though claimed by the people of the vessel as their own, the master-attendant believed to have been illegally brought away from their native country. From the difficulty and uncertainty which would attend any attempt to make good a charge against the suspected parties, the master-attendant was restrained from doing more than bind the nacoda or commander to be forthcoming under a heavy penalty for one year.

V. 2, p. 66.

4. From the information obtained by Captain Biden, the master-attendant, whose exertions are entitled to praise, it appears to be a common practice for Choliah traders to take young children on board their vessels at the northern ports on the coast of Coromandel, and to convey them to Nagore; and that officer states that he has reason to believe that the children are sent away in native vessels from Nagore to the eastward, and there sold to the Malays, or perhaps to the Dutch, and that this traffic extends along the coast of Sumatra from Bencoolen to Acheen, and probably to other places near to our settlements, within the Straits of Malacca.

V. 2, p. 102.

5. We approve of the instructions on the subject which you have issued to the collectors of your maritime districts, as well as of the communication addressed to the resident councillor at Penang. You will feel it to be indispensably necessary that measures should be actively prosecuted to a successful result, both for ascertaining the extent (whether it may have been great or small) to which this traffic has been carried, and for effectually suppressing it for the future.

6. We observe with much satisfaction that the late admiral on the Indian station tendered his cordial co-operation in putting an end to this species of

No. 5.
MADRAS.

slave trade. The rule adopted at the suggestion of Captain Biden, that native vessels shall be searched at every port, must, if properly enforced, secure the attainment of that object.

7. We desire that you will lose no time in reporting to us all further information which you may procure on this interesting subject, as well as all measures which may be taken for the entire and effectual suppression of the practice which has been brought to light.

We are, &c.

London, 16 September 1840.

(signed) W. B. Bayley.
G. Lyall.
&c. &c.

JUDICIAL DESPATCH to India, dated 16 September (No. 15) 1840.

Kidnapping young children.
No. 12, dated
16 Sept. 1840.

WE transmit to you copy of a despatch addressed by us to the government of Fort St. George, respecting a practice of carrying young children into slavery, which has been discovered to prevail in some of the maritime districts subject to that presidency, and we have to desire that your attention may be directed to the subject.

We are, &c.

(signed) W. B. Bayley.
G. Lyall.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 5 November 1839.

No. 11.

Read the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the the Secretary to Government, dated 4 November 1839.

Sir,

I HAVE the honour to enclose the copy of a letter which I have addressed to the Company's solicitor.

The subject is of such vast importance, and requires such immediate attention, that I have considered it my duty to adopt this course of proceeding without loss of time.

The detention of a vessel at this season of the year can only be justified under such extraordinary circumstances as those detailed in my letter to the Company's solicitor, and I shall suggest to him the expediency of permitting the brig to depart after an examination of her crew, if consistent with the ends of justice.

Under all these circumstances, I am most anxious to be relieved from the responsibility I have undertaken, by receiving the orders of the Right honourable the Governor in Council for my guidance.

I have, &c.

(signed) *Chris. Biden*,
Beach Magistrate.

Madras, Marine Police-office,
4 November 1839.

To *A. Rowlandson*, Esq.

Sir,

As Mr. Rose, the Company's solicitor, is prevented by severe illness from attending at his office, I have the honour to acquaint you that I have taken and detained in custody the nacodah of the native brig *Maydeen Bux*, and several other persons implicated with him, on suspicion of their being concerned in kidnapping children under 10 years of age, probably with an intent of dealing with them as slaves.

By the evidence adduced before me in support of these charges, I am of opinion that they are well grounded, and I feel it my duty to solicit your advice and assistance in a case of such vast importance to the public interest.

Since

Since the last examination of witnesses on Saturday the 2d instant, at five p. m., when 10 children were taken by the marine police and 12 by the general police, four more children have been found by the general police peons, and are identified with the same parties. I have therefore taken upon myself the responsibility of detaining the brig, although her port clearance has been obtained, because I consider further evidence can be obtained from her crew, and as the *Maydeen Bux* is sailing under British colours, it is probable that vessel may be liable to condemnation.

Under these circumstances I shall feel obliged if you will favour me with an interview, that we may adopt such immediate measures as may be deemed expedient, especially as the detention of the brig is of consequence during this unsettled weather.

Madras, Marine Police-office,
4 November 1839.

I have, &c.
(signed) *Chris. Biden,*
Beach Magistrate.

(A true copy.)

(signed) *Chris. Biden,*
Beach Magistrate.

Ordered that the following Letters be dispatched:—

From Mr. Secretary *Robert Clerk* (No. 282) to the Advocate-general, dated
5 November, 1839.

No. 12.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you the accompanying copies of a letter and its enclosure from the beach magistrate, and to request that you will advise that officer as to the course which he should pursue in the case therein reported.

I have, &c.
(signed) *Robert Clerk,*
Fort St. George, 5 November 1839. Sec. to Government.

From Mr. Secretary *Robert Clerk* (No. 281) to the Beach Magistrate,
dated 5 November 1839.

No. 13.

Sir,

I AM directed to acknowledge the receipt of your letter of the 4th instant, and to state that the Right honourable the Governor in Council entirely approves of the course which you have adopted in detaining the brig *Maydeen Bux*, but deems it right that you should apprise the advocate-general of the danger which she may incur from remaining in the Madras Roads at this season of the year, and of the manner in which she is manned and found, in order that he may bring the subject to the notice of the authority competent to pass orders for her due protection.

A copy of a communication which has been addressed to the advocate-general on the subject of your letter under acknowledgment, is annexed for your information.

I have, &c.
(signed) *Robert Clerk,*
Fort St. George, 5 November 1839. Sec. to Government.

EXTRACT, *Fort St. George*, MARINE DIARY to CONSULTATION of
12 November 1839.

No. 7.

Received the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Chief Secretary to Government, dated 8 November 1839.

Sir,

I HAVE the honour to acquaint you that since the receipt of your letter of the 5th instant, and, with reference to the copy of a letter to the advocate-general enclosed therewith, I have been in communication with him respecting
238.

No. 5.
MADRAS.

the charges alleged against the nacoda, the passengers and crew of the brig Maydeen Bux, the seizure of that vessel, and the risk attending her detention in these roads at this season of the year.

The advocate-general is of opinion that every precaution should be used to ensure the safety of the Maydeen Bux, and that if a good opportunity should offer, it may be advisable to remove her to a more secure anchorage; I am of opinion that Trincomalee affords the only safe and eligible harbour at this season of the year, but being to leeward of Nagore, whence the Maydeen Bux is bound, in the event of her release the loss of a season to her owners must arise if she was sent under the orders of Government to that port.

Under these circumstances I have, with the advice and opinion of the advocate-general, adopted the best measures in my power for the security and safety of the brig at her present anchorage.

I have transmitted to the Collector of Ganjam and Vizagapatam a summary of the evidence, and the deposition of the children, with a muster-roll descriptive of each child, together with all the information I have obtained regarding the custody of the nacoda, and the criminal acts charged against himself and others, and have requested that they will direct the most rigid search and inquiry on the subject throughout their jurisdiction. Pending this inquiry I will exert every possible means to ensure the safety of the Maydeen Bux.

The ghaut syrang, a good tendal, and 15 Lascars, with two marine police peons, are now on board and have charge of her. I wish, as a preventive measure, to supply her with a spare anchor and cable; the marine stores can supply the anchor, but I am anxious to obtain the sanction of Government to procure a 13-inch coir cable, which can be obtained by an indent on the Commissary-general.

Madras Marine Police-office,
8 November 1839.

(signed)

I have, &c.
Chris. Biden,
Beach Magistrate.

(No. 291.)

No. 8.

THE Right honourable the Governor in Council approves of the proceedings of the beach magistrate reported in the above letter, and authorises the Commissary-general to supply that officer with a 13-inch coir cable for the use of the brig Maydeen Bux.

(By order)

(signed)

Fort St. George, 9 November 1839.

Robert Clerk,
Secretary to Government.

No. 11.

Received the following Letter from *George Norton*, Esq. Advocate-general, to the Secretary to Government in the Marine Department, dated 6 November 1839.

Sir,

I HAVE the honour to report, for the information of the Right honourable the Governor in Council, that an inquiry is now proceeding at the Police-office into a case of extensive slave dealing carried on by sea, and at various ports of this side of India, by a vessel now in the roads owned and navigated by Mussulmen. The slaves discovered on board are all of very tender age, none being above seven or eight years old, and some apparently no more than four years old.

Upon learning the matter from a personal communication of the magistrate, the master-attendant (who is conducting this inquiry), I judged it expedient, without loss of time, to instruct Mr. Rowlandson, the solicitor, who is the partner of the Honourable Company's acting solicitor, at present confined to his bed by serious illness, to wait on the magistrates and offer his professional assistance (in the place of the Honourable Company's solicitor) in the investigation now proceeding; and, subject to the sanction of Government, I conceive it a very fit case (should there appear eventually ground for committing any of the parties charged for trial in the Supreme Court), for a public prosecution by the law officers of Government.

At

No. 5.
MADRAS.

At the same time it appears fit that I should recall to the consideration of the Right honourable the Governor in Council, that under the instructions of the supreme Government of India communicated to the Chief Secretary in the letter of the Secretary to that Government of 9th September last, for the information of this Government (and which were forwarded to me under the Minutes of Consultation of 10th ultimo, No. 807), the Government of India has directed, "that it should rest entirely with the honourable Judges, on perusal of the depositions, to determine in what cases of those sent up by the magistrates in which no counsel has been retained for the prosecution, the services of the Government officers should be employed on the part of the Crown."

If this rule should be strictly enforced, I should be premature in thus anticipating the opinion of the honourable Judges. But I conceive it must be obvious, on consideration, that not only in this, but in all other cases, the professional assistance, which is chiefly valuable towards conducting the investigation, seeking the available evidence, and maturing the case for counsel's instruction, will be lost, and that any direction which may come from the honourable Judges, after they shall have considered of the depositions, will generally come too late for the law officers' conducting the prosecution with due efficiency. Moreover, as neither they, nor the Judges themselves, will have had any opportunity whatever of learning the real merits of the case, save as far as may appear from the depositions, the duty of counsel will, as I apprehend, be confined merely to the tenor of these depositions and the law as arising therefrom, both as regards addressing the jury or the court, and the examination of the witnesses at the trial.

With regard to the only other occasions in which the law officers of Government, under the above instructions, are to interfere in aid of the prosecution, namely, "when counsel for the defence happen to be retained," I would crave to submit for consideration that the effect of this rule will assuredly be, that the law officers will never know of such retaining of counsel for the defence until the very eve of the trial being called on, when those officers who are to conduct the prosecution will never know more of the merits of the case than the depositions disclose, and hardly have time indeed to ascertain the purport of the depositions themselves.

I trust I shall be held excused, if I have been led out of my proper course in noticing thus much; but it seemed to me, at all events, necessary that I should explain to Government some grounds for my deviating in the present instance from the instructions forwarded to me.

I have, &c.

(signed) *George Norton*,
Advocate-general.

Fort St. George, 5 November 1839.

P. S.—The above was written previous to the receipt of your letter of yesterday's date. I beg now to add, that upon subsequent communication with the beach magistrate, there appears much reason to suspect that other vessels are engaged in slave trafficking along the coast, and particularly at Calingapatam, Vizagapatam, Bimlipatam, and Nagore, at the first of which ports children are now believed to be kept in waiting for another vessel, which is bound to Nagore. I beg therefore to suggest, that all the authorities on the coast should be immediately apprised of this, and directed to take measures accordingly.

Under the slave-dealing Act, 5 Geo. 4, c. 113, this vessel and her cargo will (in case the slave dealing shall be established) be forfeited, and she may possibly be so also under the Registry Acts. But there are none but the governors of Her Majesty's colonies, or their deputed officers, or Her Majesty's naval or military officers, who are competent to seize such forfeitures, and they must be condemned in some Vice-admiralty Court. That jurisdiction, it has been decided by the court here, does not exist at this presidency, for want of renewal of the commission to the chief justice. Under these circumstances, it appears to me expedient that prompt notice should be sent to naval officers nearest to Madras, and also to the admiral of the station. In the meantime, I have under my consideration, by what course the vessel may legally be detained here or elsewhere.

(signed) *George Norton*,
Advocate-general.

6 November 1839.

No. 5.
A.D. 1839.

No. 12.

Sent the following Letters:—

From Government (No. 293) to His Excellency Rear-Admiral the Honourable Sir F. L. Maitland, K.C.B. Naval Commander-in-Chief, dated 11th November 1839.

Sir,

WE have the honour to transmit copy of a letter received from the beach magistrate at Madras, reporting the apprehension of the nacodah of a native brig, the Maideen Bux, on a charge of being concerned in slave-dealing, with an extract from the opinion of the Advocate-general on the case, in order that your Excellency may adopt such measures as may appear proper in respect to the seizure of the brig, in event of the charge being established.

2. The collectors and magistrates of the different maritime districts have been instructed to adopt measures to put a stop to the traffic in slaves which is stated to exist on this coast, and for the apprehension and punishment of persons concerned therein, and we trust that your Excellency will be pleased to direct the officers under your command on this station to co-operate with the local authorities in carrying into effect the above order.

We have, &c.

(signed) *Elphinstone.*

Fort St. George, 11 November 1839.

John Bird.

No. 13.

From Mr. Secretary *Robert Clerk* (No. 292) to the Collector and Magistrate of Vizagapatam, dated 11 November 1839.

Sir,

THE nacodah of the native brig Maydeen Bux has been apprehended at this port, upon a charge of being concerned in slave dealing, and as it has been brought to the notice of Government that there is much reason to suspect that other vessels are engaged in slave trafficking along the coast, and particularly at Calingapatam, Vizagapatam, Bimlipatam, and Nagore (at the first of which ports children are now believed to be kept in waiting for an opportunity of shipment to Nagore), I am directed by the Right hon. the Governor in Council to request that you will adopt measures for putting a stop to this traffic, and for the apprehension and punishment of persons concerned therein.

I have, &c.

(signed) *Robert Clerk,*
Secretary to Government.

Fort St. George, 11 November 1839.

The same to the collectors and magistrates of Ganjam, Rajahmundry, Masulipatam, South Arcot, Tanjore, Tinnevely, Malabar, and Canara.

No. 14.

Received the following Letter from Captain *Christopher Biden*, Beach Magistrate, to the Chief Secretary to Government, dated 7 November 1839.

Sir,

I HAVE the honour to acquaint you, that I have taken under my care the children rescued from the nacodah, and other persons belonging to the native brig Maydeen Bux; their condition is so destitute of all comfort that I have to request the Government will be pleased to allow a supply of blankets for their use.

There are 28 children under suspicion of being kidnapped, and four other boys of a similar age and description, under my protection, who are supposed to belong to the brig, and they equally demand my care.

I have, &c.

(signed) *Christopher Biden,*
Beach Magistrate.

Madras, Marine Police-office,
7 November 1839.

Fort St. George, 11 November 1839.

(signed) Robert Clerk,
Secretary to Government

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 26 November 1839

Read the following Letter from Captain *Christopher Biden*, Beach Magistrate, to the Secretary to Government, dated 22 November 1839.

Sir,

I HAVE the honour to enclose for your information, copy of a letter I have just received from the collector and magistrate of Ganjam, in reply to my letter relative to the children rescued from the *nacoda* and other persons belonging to the *Maydeen Bux*.

I am now endeavouring to obtain the information required, by a further examination of the children, and will transmit the same to Mr. Bannerman by this day's post.

I beg leave to acquaint you, that on the 16th instant I forwarded some important evidence to the collector of Vizagapatam, which I have every reason to believe will lead to further information and disclosures touching this affair, and to assure you that I will follow up the inquiry with every exertion and endeavour on my part to meet the ends of justice.

I have, &c.

(signed) *Christopher Biden*,
Beach Magistrate.

Madras, Marine Police-office,
22 November 1839.

(No. 271.)

To *C. Biden*, Esq., Master Attendant and Beach Magistrate, *Madras*.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, dated the 5th instant, with its several enclosures, which just now reached me, on the subject of the children who have been shipped from the port of Calingapatam, in this district, on the native brig *Maydeen Bux*.

I have sent instructions to my head assistant, who is at present in the neighbourhood, to proceed to Calingapatam, and institute an inquiry into the case, with the view of obtaining information in respect to the transaction, and such corroborative evidence as may be made available towards the conviction of the offending parties.

From the descriptive roll which accompanied your letter, it would appear that a number of the children came from the neighbourhood of Vizagapatam; but in most cases the names of the villages to which the parents of the children belong are not mentioned. I have communicated copy of the examination alluded to in the 4th paragraph of your letter to the magistrate of Vizagapatam, with a request that he will ascertain whether the statement made by the boy is correct. It seems also to me desirable that I should be furnished by you with the names of the several villages to which the children respectively belong, in order that the parents may be traced, and information obtained in respect to the circumstances under which the children may have been enticed or kidnapped from their houses.

No. 5.
MADRAS.

I have given directions for the search of suspicious vessels sailing from the ports in this district, as suggested in the concluding paragraph of your letter, and I shall have the honour of communicating the result at a future period.

I have, &c.

(signed) *R. A. Bannerman*,
Collector and Magistrate.

Ganjam District, Magistrate's Office,
Purlah Remedy, 13 Nov. 1839.

(A true copy.)

(signed) *Chris. Biden*,
Beach Magistrate.

Ordered, that the foregoing letter be recorded.

EXTRACT, *Fort St. George*, MARINE DIARY to CONSULTATION of 3d Dec. 1839.

Received the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 27 November 1839.

Sir,

WITH reference to your letter of the 5th instant, I have the honour to forward herewith a bill on the East India Company, amounting to Company's rupees 176. 4., being the amount due to the sea Lascars whom I engaged to take charge of the Maydeen Bux, and request you will be pleased to obtain the sanction of Government for the payment of the same.

I beg further to state, that I deemed it necessary to engage a competent crew for the Maydeen Bux, on a monthly salary, which I have already done, and have placed them under the command of the Government ghaut syrang.

I have, &c.

(signed) *Chris. Biden*,
Beach Magistrate.

Madras, Marine Police-office,
27 November 1839.

(No. 322.)

THE Right honourable the Governor in Council sanctions the bill received with the above letter, for the hire of native sea Lascars to take charge of the Maydeen Bux, amounting to rupees 176. 4. (one hundred and seventy-six, and annas four.)

(By order.)

Fort St. George, 30 Nov. 1839.

(signed) *Robert Clerk*,
Secretary to Government.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 3d December 1839.

Read the following Letter (No. 14) from his Excellency Rear-Admiral the Honourable Sir *Fred. L. Maitland*, K.C.B. Naval Commander-in-Chief, to his Excellency the Right honourable Lord *Elphinstone*, Governor in Council, &c. &c. *Madras*, dated 21st November 1839.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's letter in Council of the 11th instant, with its enclosures, upon the subject of the detention of a vessel called the Maideen Bux under the slave laws, and requesting the co-operation of Her Majesty's ships under my orders in the suppression of a slave trade which appears to exist on the eastern side of the peninsula of India; and, in reply, I beg to acquaint your Lordship's Council that I have this day sent orders to Captain Bethune, of Her Majesty's ship *Conway*, to await his arrival at Madras (where he may be now daily expected from the Tenasserim coast), or to the senior officer of Her Majesty's ships and vessels that may happen to be at that presidency, to communicate with your Lordship's Government upon the subject, and to adopt such measures with regard to the vessel alluded to, and for the suppression of the slave trade in question, as may appear to him to be legal and advisable, and recommended by the law officers of the Government, and also to call the attention

attention thereto of the captains or commanders of any of Her Majesty's ships he may meet in the Bay of Bengal, in order to their keeping a look-out for vessels of the above description, and co-operating with the civil authorities on the coast, as occasions may occur, whilst employed on that side of India.

And I beg to assure your Lordship in Council that everything in my power shall be done to put a stop to the illicit traffic represented in your Lordship's communication above-mentioned.

I have &c.
(signed) *Fred. L. Maitland*, Rear-Admiral
and Commander-in-Chief.

Wellesley, in Bombay Harbour,
21 November 1839.

(No. 326.)

1. RESOLVED, that a copy of the above letter be furnished to the Marine Board, for their information, and that they be requested to cause the packet therein mentioned to be delivered to Captain Bethune, or the commander of the first vessel in Her Majesty's service which may enter the Madras Roads.

2. Resolved, that a copy of the letter from his Excellency the Naval Commander-in-chief be transmitted to the advocate-general, in reference to his communication of the 6th ultimo.

(By order.)

(signed) *Robert Clerk*,
Fort St. George, 3 December 1839. Secy to Government.

EXTRACT *Fort St. George*, MARINE DIARY to CONSULTATION of
10th December 1839.

Received the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 4 December 1839.

Sir,

I HAVE the honour to forward, for the information of the Right honourable the Governor in Council, copy of a letter, with its enclosure, which I have this day received from the collector of Ganjam.

The information which these letters convey corroborate such material points of the evidence adduced before me against the owner, the nacoda, and other persons, lately belonging to the Maydeen Bux, and now in custody under a charge of piracy and felony, that I consider these offences can be clearly proved against them.

I will forthwith communicate this further intelligence to the advocate-general, and lose no time in acquainting the collector of Ganjam whether in his the advocate-general's opinion it is necessary to have any of the witnesses alluded to in these reports brought to the presidency to give evidence in support of the prosecution.

Madras, Marine Police-office,
4 December 1839.

I have, &c.
(signed) *Chris. Biden*,
Beach Magistrate.

(No. 288.)

To the Master Attendant and Beach Magistrate, *Madras*.

Sir,

WITH reference to your letter of the 5th, and to my communication to your address dated the 13th instant, I have the honour to transmit for your information, copy of a letter received from my head assistant, reporting the result of his inquiry into the circumstances connected with the recent shipment of children from the port of Calingapatam, on board the native brig Maydeen Bux.

From Mr. Conway's letter, you will observe that the embarkation of the children on board that vessel by the nacodah and others belonging to the brig,
238. can

No. 5.
MADRAS.

can be proved by a number of individuals who have been examined, and the substance of whose declarations is stated in Mr. Conway's letter; but the fact of the children having been conveyed away from thence, with a view to their being introduced at Nagore or elsewhere as slaves, can, I presume, be sufficiently established by evidence already available at Madras, if further evidence on that head should be required. One or more of the persons mentioned in Mr. Conway's letter might be produced as witnesses. To support a charge of kidnapping, however, I conceive it would be necessary to adduce such evidence as would show that the possession of the children was improperly obtained, either by force or fraud, by the parties in whose custody they have been found; but as the children do not appear to have been procured in the neighbourhood of Calingapatam or from any places within the limits of this district, it has not been practicable to ascertain under what circumstances they may have come into the possession of the Choliahs. It seems probable that most of the children have been brought from the Vizagapatam district, where much distress was experienced during the past season; but if the names of the villages to which the parents of the children belong can be ascertained, as suggested in my letter of the 13th instant, the means would be afforded of prosecuting the inquiry with more effect.

It would be observed that the head assistant magistrate has communicated to the magistrate of the Vizagapatam district such part of the examinations taken by him as seemed calculated to assist Mr. Arbuthnot in the inquiries he may have instituted into the case, with the result of which I conclude he will acquaint you.

Measures have been adopted to prevent the embarkation on vessels touching at or sailing from the ports in this district, of children or young persons not belonging to such vessels.

Ganjam District,
Magistrate's-office, Purlah Remedy,
27 November 1839.

I have, &c.
(signed) *R. A. Bannerman*,
Magistrate.

(A true copy.)

(signed) *Chris. Biden*,
Beach Magistrate.

To the Magistrate of *Ganjam*.

Sir,

I HAD the honour to receive on Friday last at Chicacole your letter of the 13th instant, forwarding for my information an original letter with its enclosures, from the beach magistrate at Madras, and requesting me to institute an inquiry into a case of a number of young children having been shipped from Calingapatam, on board the native brig Moydeen Bux, which sailed from that port about the beginning of last month.

A number of paupers find relief at Chicacole, by the charitable exertions of the resident missionary, Mr. Dawson, who is assisted by subscriptions received from the European and native inhabitants at the station, and as I was aware that many of those unfortunate people had emigrated from the Vizagapatam district in consequence of the scarcity, and as many of the children referred to have come from that neighbourhood, I thought that I might probably obtain, through their means, some information in respect to the transaction under notice, or that I might by chance find amongst them the parents of some of the children; with this view, I got the list, containing the names of the children and of their parents, taken to the place where they are fed. I failed in obtaining any information direct from them, but it happened that there was present a peon, who has been permitted to assist in distributing the alms to those people, who mentioned that an orphan child, by name Modena Saib, of

is not improbable that the boy, the in the second sheet of the list, is the ere alluded to, and that in giving Has-saib as his former and present name, he ot understood the question put to him; ge and height noticed in the list agree that given by the peon.

Toonee Pikarowpet, in the Vizagapatam district, had been fed for some time at this asylum, and had been taken away by some Cholia people (names unknown); he saw the boy in the town of Chicacole, with his head shaved, in the company of the above-mentioned people, who had with them three or four other children, and on his asking, the boy why he had ceased to come for his food at the charitable

charitable institution, he told him that the Cholia people had offered to take better care of him, and that he wished to go with them. The peon learnt from the Cholia people, that they belonged to Nagore, and were proceeding at that time towards Berhampore; and he informed me that strangers of the Cholia caste, in passing through Chicacole, usually lodged in the house of a person named Meera Saib. I accordingly sent for Meerah Saib, and he has stated that Tambuham, the nacoda of the before-mentioned brig, lodged in his house for two months, he (the nacoda) having come to Chicacole for the purpose of disposing of part of the cargo of his vessel; ~~the~~ several of the crew, &c. had accompanied him, and some of them had gone to Bimlipatam for a short time, and returned bringing with them four children, which the nacoda and crew proceeded with to Calingapatam; they, after they were brought into his house: he states he does not know how they were procured, but they were not of his caste, and without hesitation informed me that two Cholia people had that very morning brought with them from Bimlipatam two children of the same description.

On examining the two persons above alluded to, as to how they became possessed of the children in question, they state that their parents brought them to them at Bimlipatam, and begged them to take them, and in return they gave a few rupees. One of the children is a girl of about seven years, and the other a boy of about five years of age; they have mentioned their own names and that of their relations and villages, and corroborate the statement made by the Cholia people. I have sent copies of the proceedings taken by me in the above matter to the magistrate of Vizagapatam for his information; and I have informed him that the parties will be detained at Chicacole, pending his wishes in respect to their disposal.

On arriving at Calingapatam on Saturday morning; I sent for two Cholia people who I understood to be residing in the village, and I discovered they had under their protection three children which they had obtained under somewhat similar circumstances; two of these children are very young, but from the inquiries I have made, I have no doubt but that they have adopted them in consequence of their friendless and destitute state. One of the above children has been about a year, and the other three or four months with them; the third is a lad about 14 or 15 years of age; his father and mother, it appears, belonged to the village of Calingapatam, and died when he was three years old, since which he has been adopted into the family of one of the Cholia people above-mentioned, has never left the village, and has adopted their dress and caste.

The nacoda of the brig Moydeen Bee, during the period his vessel was detained at this port, rented an empty house from the Cholia people above mentioned, and his crew and some of the passengers rented houses from other parties here. These parties saw the children before they were shipped, and would seem to have been aware that they had been brought from Bimlipatam. The barber of the village states, he shaved the heads of 10 or 15 children, of various castes, at the house rented by the nacoda, and if required would no doubt be able to recognise some of the children. The owner and tindals of six boats, speak to having taken on board the whole party, and each boat carried from three to five children. One party mentions, that the day after the children were shipped a person, by name Syad Saw, took about 10 children with him to Bimlipatam, which account corroborates what the boy Hossum Ally, alias Cossee Unna, has stated, viz. that there were 14 children left behind to be shipped by another opportunity, and I imagine they have been shipped from Bimlipatam, or are there still; this circumstance I have communicated to the magistrate of Vizagapatam.

I examined the two Cholia people, and the agent of the vessel, in the hope of obtaining some information from them as to the object these children are required for, but they answered very reluctantly and equivocally all the questions put to them, and I fancy the fact of their having been so intimately connected with the nacoda and his party is the cause of their being unwilling to communicate any information which they probably are possessed of. The sea custom goomastah states, that he saw the children, but that having been told by the nacoda and others that they were part of their families, which they brought from Bimlipatam, he had no suspicion of there being anything improper or requiring to be reported.

No. 5.
MADRAS.

I am inclined to think that the children have not been procured in this neighbourhood, and were brought at intervals, and that they have been obtained by the exertions of the nacoda and his crew, unaided by residents in these parts, and if the above circumstances do not afford evidence of the nature required to bring the parties now at Madras to justice, that further evidence can only be obtained by the Vizagapatam magistrate. I understand during the famine which prevailed in the northern districts in 1832-33, a number of children, obtained under similar circumstances to the present, were discovered at Masulipatam, and the parties, who were Cholia people also, were brought to trial before the court of that zillah, but the Foujdaree Adawlut, in their proceedings under date the 17th September 1839, have declared that the sale of the child in the provinces, in a season of famine, is not punishable by the Mahomedan law, and judging by the account given by the children, and the present appearance of the circumstance under which children came into their possession, I am of opinion it will be found that the poverty and distress which is prevailing, has occasioned the unnatural disposal of the children by their parents, or in other cases that their orphan and destitute state has led children to accept the protection of these Cholia people, and under these circumstances that there will be a difficulty in bringing to punishment any parties we may apprehend who have the children of others in their possession; but if it is apprehended that advantage is taken by these Cholia people to procure children in times of scarcity, with a view of subjecting them in their country to slavery, I would venture to point out the facilities open to them for effecting their necessary object, so long as the unfortunate parents or destitute children can find no other asylum.

There are now a number of miserable objects at Chicacole which the charitable institution established there has been the means of drawing to that point, but on the removal of the court from Chicacole, the means now at the disposal of the missionary alluded to will be withdrawn, and unless these unfortunate people are relieved by the bounty of Government, their state will be miserable. I would therefore take this opportunity of recommending some steps to be adopted for their relief.

I have issued the necessary orders to the officers at the several ports along the coast for preventing any children being shipped therefrom, and I request to be informed what you wish to be done with the children here and at Chicacole, found in the possession of the Cholia people above-mentioned, and also with any others who may be recovered from persons who have obtained them under similar circumstances.

Calingapatam,
21 November 1839.

I have, &c.
(signed) *T. Conway*,
Head Ass^t Magistrate.

(True copy.)
(signed) *R. A. Bannerman*,
Magistrate.

(A true copy.)
(signed) *Chris. Biden*,
Beach Magistrate.

Sent the following Letter from Mr. Secretary *Robert Clerk* (No. 330) to the Magistrate of *Ganjam*, dated 6 December 1839.

Sir,

THE beach magistrate at Madras having furnished the Government with copies of his correspondence with you relative to children which appear to have been taken on board a vessel at the northern ports, for the purpose of being disposed of as slaves, I am directed to inform you that the Right honourable the Governor in Council attaches great importance to the thorough investigation of the subject, and that it is requisite prompt information should be furnished as the brig *Maydeen Bux*, in which certain children were discovered, is detained pending the inquiry.

Fort St. George,
6 December 1839.

I have, &c.
(signed) *Robert Clerk*,
Secy to Government.

• The same to the magistrate of Vizagapatam.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 10th December 1839.

Read the following Letter (No. 70) from *R. A. Bannerman*, Esq. Collector and Magistrate of *Ganjam*, to the Secretary to Government, *Fort St. George*, dated 29 November 1839.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, and beg to state that I had previously received a communication from the master-attendant and beach magistrate at Madras, on the subject of the transaction in which the nacodah of the native brig *Moydeen Bux* is implicated, and, in consequence, I had deputed by head assistant to institute an inquiry into the case.

It appears that about the beginning of last month between 20 and 30 children were shipped at the port of Calingapatam on board the *Moydeen Bux*, by the nacodah and others belonging to the vessel, whom there is reason to believe they had procured in the adjoining district of Vizagapatam, in which considerable distress, the government will be aware, prevailed during the past season. None of these children appear to have been obtained from places within the limits of this district; and, consequently, it has not been practicable for me to ascertain under what circumstances they came into the possession of the Cholia people; but it is, I think, to be apprehended that in some instances poverty and distress may have led to the disposal of children by their parents, and in many other cases that their orphan and destitute state may have led the children to accept the protection of whoever offered them the means of subsistence.

I have communicated the particulars of the information obtained in respect to the children shipped from Calingapatam to the beach magistrate at Madras, with a view to the adoption by him of such further measures as may seem advisable in respect to the parties now in custody, and for the disposal of the children.

I consider the sea-custom officer at Calingapatam to be very blameable for not having reported the circumstance of the shipment of the children on the brig in question. Measures have been adopted to prevent the occurrence of any similar transaction in future, and for the apprehension of any persons who may be concerned in such dealings.

I have, &c.

Ganjam District,
Collector and Magistrate's-office,
Purlah Remedy,
29 November 1839.

(signed) *R. A. Bannerman*,
Collector and Magistrate.

Ordered, that the foregoing letter be recorded.

(True extracts.)

H. N. G. Mason,
Acting Deputy Secy to Govt.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 24th December 1839.

Read the following Letter (No. 111) from *W. U. Arbuthnot*, Esq. Magistrate of *Vizagapatam*, to the Secretary to Government in the Marine Department, *Fort St. George*, dated 12 December 1839.

No. 15.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, dated the 6th instant, informing me that the Right honourable the Governor in Council attaches great importance to the investigation relative to the children who appear to have been taken on board vessels at the northern ports for the purpose of being disposed of as slaves, and that it is requisite prompt information should be furnished, as the brig *Moydeen Bux* is detained pending the inquiry.

No exertions will be spared on my part for the prompt and thorough investigation of the case. I have already examined many persons; but I have

No. 5.
MADRAS.

experienced considerable difficulty in tracing the relations of the children, in consequence of their house-names not having been furnished to me. On the 6th instant I addressed the beach magistrate, requesting him to supply this defect, and I am only waiting his reply to re-commence the investigation; when it is completed I shall have the honour of submitting copies of my proceedings for the information of Government.

Vizagapatam, Magistrate's-office,
12 December 1839.

I have, &c.
(signed) *W. U. Arbuthnot,*
Magistrate.

No. 16. Ordered to be recorded.

No. 19. Read the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 21 December 1839.

Sir,

I HAVE the honour to enclose copy of a letter just received from Ganjam.

I have forwarded the depositions for immediate translation to the Gentoo translator of the Supreme Court, and will lose no time in furnishing the advocate-general with the translated copies the moment they are returned to me.

The assistance of a government translator, in daily attendance at my office, will be of great service, as the papers belonging to the owner and nacoda of the *Maydeen Bux* are now being examined for the purpose of ascertaining whether they contain any information of sufficient importance to be submitted for the consideration of the law officers.

Madras, Marine Police-office.
21 December 1839.

I have, &c.
(signed) *Chris. Biden,*
Beach Magistrate.

(No. 307.)

To the Master Attendant and Beach Magistrate, *Madras*.

Sir,

I HAVE the honour to acknowledge the receipt of your letters, dated the 5th and 6th instant, and, in reference to the observations contained in the communication from the advocate-general, beg to forward copies of the examinations taken before the head assistant magistrate, touching the embarkation of the children at Calingapatam on board the brig *Moydeen Bux*, as per the annexed list, which will enable you, in communication with the Company's law officers, to determine whether it will be necessary to produce any of these individuals as witnesses, in the event of the commitment for trial of the nacodah and others now in custody.

By my letter, dated the 30th ultimo, you will have been made acquainted that none of the children whose names are contained in the descriptive rolls which have been furnished by you, were procured from places under my jurisdiction, and consequently it is not in my power to obtain any information or evidence in respect to the circumstances under which the nacodah and others belonging to the brig got possession of the children. Upon these points the magistrate of Vizagapatam will no doubt communicate to you such information as he may be able to procure.

Ganjam District,
Collector & Magistrate's Office, Purlah Remedy,
14 December 1839.

I have, &c.
(signed) *R. A. Bannerman,*
Collector and Magistrate.

(A true copy.)

(signed) *Chris. Biden,*
Beach Magistrate.

LIST of the DEPOSITIONS.

Deposition given by

No. 5.
MADRAS

- | | |
|--------------------------------|------------------------------|
| No. 1. Teroomalasetty Paupiah. | No. 10. Mylahpully Ramoodoo. |
| 2. Cokah Codundramiah. | 11. Dausary Utchuppah. |
| 3. Mungaly Appegadoo. | 12. Gungodah Mooselyquadoo |
| 4. Puppoo Yerruppah. | 13. Royaty Yerruppah. |
| 5. Tayamuddoo. | 14. Mylapully Dauladoo. |
| 6. Puppoo Ramasawmy. | 15. Voray Daunasoo. |
| 7. Mylapilly Unkooloo. | 16. Meerah Saheb. |
| 8. Barwanah Maidoo. | 17. Khadul Meera Saheb. |
| 9. Vausepully Boosakiah. | 18. Mahomed Ebaram. |

(signed) *R. A. Bannerman*,
Collector and Magistrate.

Ganjam District,
Collector and Magistrate's-office, Purlah Remedy,
14 December 1839.

(A true copy.)

(signed) *Christopher Biden*,
Beach Magistrate.

Ordered to be recorded.

No. 20.

EXTRACT, *Fort St. George*, MARINE DIARY to CONSULTATION of
7th January 1840.

Received the following Letter (No. 116) from *W. U. Arbuthnot*, Esq. Magistrate of *Vizagapatam* to the Secretary to Government in the Marine Department, *Fort St. George*, dated 24 December 1839.

No. 7.

Sir,

I HAVE the honour to forward, for submission to the Right honourable the Governor in Council, a copy of my report to Captain Biden, connected with the children supposed to have been shipped at the northern ports, together with the statement therein referred to.

I have not considered it necessary to send a copy of the depositions, as they amount to 43 in number, and are very voluminous.

I have, &c.
(signed) *W. U. Arbuthnot*,
Magistrate.

Vizagapatam, Magistrate's-office,
24 December 1839.

(No. 117.)

To Captain *Biden*, Beach Magistrate of *Madras*.

Sir,

Para. 1. I HAVE now the honour to submit my proceedings (with translations), relative to the children supposed to have been taken on board vessels at the northern ports, for the purpose of being disposed of as slaves.

2. In this investigation my attention has been principally directed to two points; first, to ascertain, as far as practicable, the history of the children discovered on board the *Moodeen Bux*: secondly, to ascertain to what extent the practice of procuring children has been carried, and how long it has existed.

3. I have prepared a statement which briefly exhibits the information I have been able to procure relative to the children now under your charge. I have been unable to trace the relations of many of the children, although I have done everything in my power to effect this object; in the first instance, I caused proclamations to be made throughout the district calling on any persons who had lost their children during the famine to appear before me, and represent their case, as there was a prospect of their children being restored to them; none of the relations of the children under your charge came forward on this invitation, but many others have appeared; some have stated that their children have been lost, while others acknowledged that they sold them. Subsequently, on receiving the house-names of the boys, and the residing villages of their parents or relations, I issued orders to the different heads of police to cause the attendance of the latter before me; many of them, particularly those who were stated to be

No. 5.
MADRAS.

residents of Vizagapatam, were not to be found, nor is this surprising when the circumstances of the past seasons are taken into consideration. In consequence of the number of starving families who crowded into Vizagapatam, a subscription was raised, and a choultry established, where rice and conjee were distributed to such as, from their age, debility, or state of health were unable to work. This attracted numerous families from a great distance who, for a time, resided in Vizagapatam; but as the famine did not extend beyond the northern frontier of the district, many of them eventually emigrated to the Ganjam district, and even beyond it. Vizagapatam and the adjoining hamlets are mentioned as the residing villages of most of the children. I am inclined to think that some of them must have come there merely for the time, as their names are perfectly unknown.

4. In the accompanying proceedings will be found the depositions of such of the relations as could be found.

5. I have seen no reason to suppose that the Choliahs themselves have used violence to procure children, simply because I know that any number of them might have been procured for the merest trifle, or even by persons of respectability for nothing at all. The practice of purchasing children is, however, a most objectionable one, and ought to be prohibited, because it serves as an inducement to unprincipled persons to kidnap children and dispose of them as their own. That this has been done in several instances, my present proceedings sufficiently prove. Indeed there seems too much reason to suppose that the Choliahs have not only neglected instituting any inquiries regarding the children brought for sale, but that they have in some instances purchased them from persons whom they must have known to be in the habit of trafficking in children.

6. You will not fail to observe that statements have been taken from all those suspected by you of being concerned in this transaction, as well as from several others who seem to have been concerned with them. The persons whose statements are marked from No. 14 to No. 20, are in custody, and will be detained till your wishes regarding them are made known to me.

7. I now pass to the second point to which my attention has been directed, viz. the extent to which the practice of procuring children has been carried, and how long it has existed.

8. Bimlipatam, which was formerly a Dutch settlement, has from time immemorial been the resort of Choliah merchants. The head-quarters of these persons is Nagore, but some members of the family reside at Bimlipatam, and passing to and from their own country, carrying on a very extensive trade. The evidence which I now forward proves beyond a doubt that these persons have ever been in the habit of procuring children, and conveying them to their own country. They allege, and the people of the country evidently give credit to their assertions, that their object is to procure converts to their religion, Lascars for their vessels, and slaves for domestic purposes. It is not in my power to ascertain what becomes of the children carried away from this part of the country. I have applied to the magistrate of Tanjore for information on this point, but have not yet received his answer. I have found 16 children in the houses of the different Choliahs now residing at Bimlipatam. I have taken depositions from such of them as were old enough to make themselves understood, and they all express themselves perfectly satisfied with their situation. I should wish to be informed of the wishes of Government regarding them. On my instituting the present inquiry, the Choliahs seemed disposed to turn them out of their houses; but as many of their parents were not to be found, I would not permit this to be done at present, but insisted on their supporting them till I could receive orders on the subject.

9. There has been some delay in disposing of this case, in consequence of being unavoidably absent from Vizagapatam on duty when your first communication was received.

I have, &c.

Vizagapatam, Magistrate's Office,
24 December 1839.

(signed) *W. U. Arbuthnot*,
Magistrate.

(True copy.)

(signed) *W. U. Arbuthnot*,
Magistrate.

No.	Former Name.	Present Name.	Names of the alleged Residing Villages of the Parents.	Statement before Captain Biden.	Information procured by the Magistrate of Vizagapatam.
1	Guddegautloo	Robjeel	Coringa	- - My mother sold me to a Moorman; the nacoda Oudhainah Murkad brought me to Madras; I want to go back to my country; I was taken home when the brig arrived; I was shaved at Madras; nacoda gave me my present name.	- - Coringa, the native place of this child, is in the Rajahmundry.
2	Mulliah	Ahhuass	Pendooroo	- - A fisherman sold me to Mohamed Gouse; I wish to go back to my country; Mohamed Gouse, my father, ordered a barber to shave me at Bimlipatam; my name was changed after I was sold.	- - The parents of this child are both supposed to be dead; his grandmother states that the child and his mother came to Vizagapatam about six months ago to beg, and have never since been heard of; as they were in great distress, she supposed they died of starvation. <i>Vide</i> Deposition, No. 1.
3	Appoodoo	Dhundar	Chepoorpully	- - My mother sold me to a person for three-fourths of a rupee, and that man sold me to Mohamed Gouse Niah; I was shaved on board the brig; I wish to go back to my mother.	- - There is no family of this boy's caste in the village stated to be their residing place.
4	Soiapah	Kudjee	Vizagapatam	- - My mother sold me to a person for two rupees, at Bimlipatam, who sold me for four rupees to the nacoda Oudhainah Murkad; I wish to go with the nacoda; I was shaved in town; Janall's wife at Vizagapatam named me; after they shaved me they named me.	- - The relations of this child could not be traced anywhere.
5	Appannah	Meera Hussain Bebee.	Not known	- - My mother sold me to the nacoda for four rupees; he brought me on board the brig; I was shaved at Vizagapatam by the nacoda; I wish to go back to nacoda.	- - The residing village of the relations of this child is not known nor mentioned in the list forwarded by Captain Biden.
6	Gooravadoo	Yacoot	Appulmaddipatnam, near Vizagapatam.	- - My mother sold me to Coopoo Tumbec for one-and-a-half rupee; he brought me on the brig; I was shaved at my own country; Coopoo Tumbec brought me here; I wish to go to Nagore; my name was changed after I was sold.	- - This boy's relations cannot be traced anywhere.
7	Chinniah	Kutchee	Waltair, near Vizagapatam.	- - A woman at Vizagapatam delivered me to the syrang; I cannot tell whether I was sold; I was shaved at Bimlipatam; I wish to go back to my country; there are two boys still on board covered over with gamines; a girl is in the nacoda's house, the syrang who took me, took my brother Chinniah also, and gave him to Syed Ally, who secured him till his brother (Syed Ally's brother) arrived from Nagore, and then ship him for Nagore. Syed Ally is at Bimlipatam, and has a batch of children for shipment, when a brig arrives from Calcutta; this man (meaning the man of the brig Maydeen Bux) refused to receive them, the vessel being already overloaded.	- - This boy's maternal uncle has been examined, who states, that his father is a prisoner in the Masulipatam gaol, in consequence of which, his mother and her children came and lived since three years with him at Waltair. The mother died about a year ago, and since that, during the famine, these three boys left the house, and were missing; he searched for them; he heard some children were at Bimlipatam to be shipped; he went there, but they were shipped before his arrival. It seems probable that this is the boy referred to in the Depositions marked Nos. 16 and 17. The uncle's deposition is marked No. 10.
8	Thummiah	Chinnapillay	Kintalah	- - From Vizagapatam I came to Bimlipatam, and Adam Bava decoyed me away; I was put on the brig by Adam Bava; I wish to go to Nagore.	- - This boy's parents are both dead; his mother's brother states, that he proceeded to Vizagapatam for want of food, and he believes took service with the Cholia of his own accord. <i>Vide</i> Deposition, No. 2.
9	Forgotten	Shakarey	Simmachellum	- - My father and mother sold me to Coomamany for two rupees; I was put on the brig by the same person, I was shaved in my own country; I wish to go back to my country.	- - This boy's name appears to have been Cooravummah; his mother has been examined; she states, that being unable to support the boy, she sold him to a Moorman. <i>Vide</i> Deposition, No. 8.
10	Pothegaudoo	Colley	Voosecondah, near Vizagapatam.	- - Cholia people brought me on board the brig; I wish to go back to my country; my mother sold me for a quarter rupee, the Cholia man told me so; I was shaved in my country after I left my mother.	- - The relations of this child could not be traced anywhere.
11	Appannah	Rajeel	Rendoogeddalapan-doo, near Vizagapatam.	- - A woman gave rice to my mother, and the woman sold me to Chinnavapoo for one-and-a-half rupee; he shipped me on the brig; I wish to go back to my mother; I was shaved at Calingapatam, afterwards my name was changed.	- - The relations of this child could nowhere be discovered.
12	Nagadoo	Hussain Pilla	Bimlipatam	- - The chota nacoda or deputy nacoda shipped me on the brig; when the brig arrived here, the chota nacoda's son-in-law told me that he bought me from my mother for five rupees; I wish to go back to my country; I was shaved at Calingapatam.	- - There is no family in Bimlipatam of the name which this boy states to be that of his parents.
13	Appadoo	Caderbux	Ankapilly	- - Cholia people brought me away from Calingapatam without my relative's knowledge; I wish to go to my country; I was shaved at Calingapatam, afterwards my name was changed.	- - No relations of this child are to be found at Ankapilly, nor is it known where they are.
14	Appadoo	Sobagush	Bimlipatam	- - I went a begging at Bimlipatam chonkey, and the Cholia people told me to come along, and they would give me rice; I wish to go to my country; I was shaved at Calingapatam, and my name was then changed.	This boys relations are not to be found.

(continued)

No.	Former Name.	Present Name.	Names of the alleged Residing Villages of the Parents.	Statement of Captain Biden.	Information procured by the Magistrate of Vizagapatam.
15	Veukiah - -	Shakahrey - -	Davadah, near Vizagapatam.	- - I went a begging at Davadah at Vizagapatam, and the Cholias told me they would give me rice, and brought me away; I wish to go to my country; I was shaved at Calingapatam, and my name changed.	- - This boy's parents are both dead. His uncle states that he came to Vizagapatam to beg, and never appeared since. <i>Vide</i> Deposition, No. 3.
16	Appadoo - -	Mohrum - -	Davadah, near Vizagapatam.	- - I went a begging at Vizagapatam choultry, and the Cholias told me they would give me rice, and brought me away; I was shaved at Bimlipatam, and my name changed; I wish to go to my country.	- - No persons of the name stated to be that of the parents of this child are to be found in Davadah, nor is it known where they are.
17	Kistmah - -	Mecra Hussain - -	Vizagapatam	- - I went a begging at Valtharah at Vizagapatam, and a person took me to the Cholias; I was brought to Calingapatam, shaved and named; I wish to go to my country.	- - The house-name of this boy is unknown, and his relations cannot therefore be traced, but it is not improbable that Depositions Nos. 18 and 19 refer to him.
18	Sanashy - -	Jahpoorey - -	Vizianagrum	- - I went a begging at a choultry at Vizagapatam, and the Cholias told me they would give me rice, and brought me away; I was shaved at Vizagapatam and named immediately; I wish to go to my country.	- - No persons of the names stated by the child to be those of his parents are to be found anywhere at Vizianagrum.
19	Appadoo - -	Moobreck - -	Simmachellum	- - I went at choultry at Vizagapatam, and the Cholias told me that they would give me rice, and brought me away; I was shaved at Calingapatam; I wish to go to my country; my name was changed at Calingapatam.	- - This boy's mother has been examined; his father is dead two years ago; she acknowledges that she sold the boy. <i>Vide</i> Depositions, No. 9.
20	Yencanah - -	Koonale - -	Waltair, near Vizagapatam.	- - I went begging at choultry, at Vizagapatam, and a woman named Polce brought me to the Cholias and sold me; she told me that the Cholias will feed me well; she received 2½ rupees from the Cholias; I was shaved at Calingapatam, and my name was changed; I wish to go to my country.	- - A separate report regarding this boy will be sent in a day or two.
21	Hussen Saeb - -	Hussen Saeb - -	Tuckeertacka	- - A woman took me from Bimlipatam and delivered me to Thumbby Saib; Thumbby Saib shaved me at Bimlipatam, and brought me to Calingapatam and shipped me on the brig; I was shaved, and bore my original name; I wish to go to my country.	- - This boy's mother has been examined; she states, that being in want of food, she and her son came to Vizagapatam for the purpose of begging; her son was at the point of death from starvation, and was one day not to be found; she does not know what has become of him. <i>Vide</i> Deposition, No. 4.
22	Secthanah - -	Iherekey - -	Vizagapatam	- - I went begging at Vizagapatam, and the Cholias told me to come away; they brought me to Bimlipatam, shipped me on the brig; I was shaved at Bimlipatam and named the same day; I wish to go to my country.	- - The relations of this child could nowhere be found.
23	Appadoo - -	Jamal - -	Conadah - -	Too young to explain himself - - - states that he used to gain his livelihood by begging; that one day he was not to be found, it is supposed he was taken away by somebody. <i>Vide</i> Deposition, No. 5.	- - This boy's name it would appear is Jogadoo; his nearest relation, his uncle, lived by begging; that one day he was taken away by somebody.
24	Gurregapillay - -	Morsh - -	Gopaulputnum	- - My father delivered me up to the Cholias at Vizagapatam, and the Cholias shipped me on the brig; I was shaved at Vizagapatam, and was named there; I wish to go to my country.	- - This boy's uncle states that his father (the mother being dead) with the child left the village in great distress with the intention of going towards Chicole for the purpose of begging; he does not know what has become of them. <i>Vide</i> Deposition, No. 6.
25	Uplamah - -	Jamanah - -	Waltair, near Vizagapatam.	Too young to explain himself - - -	- - This child's relations are not to be found.
26	Yenkannah - -	Meerapilly - -	Bimlipatam - -	Too young to explain himself - - -	This boy's relations are not to be found.
27	Gooriah - -	Meera Hussain - -	Vizagapatam	- - Cholias have brought me away from Vizagapatam; I was shaved at Vizianagrum and named at Vizagapatam; I wish to go to my mother.	- - The relations of this child could nowhere be found.
28	Casse Uunar - -	Husseen Pillay - -	Peddamadaka	- - Cholias decoyed me away from Vizagapatam; I was shaved at Calingapatam; wishes to go back to his mother.	- - The deposition of the brother of this boy confirms his statement; he remained in Vizagapatam for the purpose of begging and was missing. <i>Vide</i> Deposition, No. 7.

(signed) W. U. Arbuthnot,
Magistrate.

1. Resolved, that the beach magistrate be requested, in reference to the letter addressed to him by the magistrate at Vizagapatam, under date the 24th ultimo, to report, after the trial of the nocadah of the native brig Moydeen Bux, in what manner he considers it desirable that the children taken from that vessel, and not claimed, should be disposed of.

2. Resolved, that the magistrate at Vizagapatam be requested, in advertence to the concluding part of the eighth paragraph of his letter of the 24th ultimo to the beach magistrate, to state whether such of the 16 children discovered in the houses of different Cholias residing at Bimlipatam, as have no relatives willing to receive them, can be placed in any public institution, or under the care of any respectable person in the neighbourhood, until they become of an age to earn their own livelihood, and if not, what arrangement he would recommend for their future maintenance; such of the children as have relatives willing to receive them, should be delivered over to their relatives.

3. The magistrate at Vizagapatam will adopt measures to prevent the future traffic and exportation of children, purchased as slaves or kidnapped, within his district.

No. 5.
MADRAS.
No. 8.

Received the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 30 December 1839.

No. 9.

Sir,

WITH reference to my letter of the 21st instant, I have the honour to acquaint you, that, on the 24th instant, after several of the depositions had been translated and returned to me, I consulted the advocate-general as to the selection of such witnesses he considered as most expedient to summon from Calingapatam; five persons were then named as having given the most material evidence, and without loss of time I wrote to the collector of Ganjam, requesting they might be sent here by sea.

On the 28th instant, the whole of the depositions had been translated, and examined by the advocate-general and myself, and not considering it necessary to produce more witnesses than those I had before pointed out, I communicated this final decision to the collector of Ganjam, and stated that as the sessions will commence on the 15th proximo, the utmost despatch was necessary.

I have also, with the advice of the advocate-general, addressed a letter to the collector of Vizagapatam, urging the necessity of his sending to the presidency without delay such witnesses as in his judgment may be necessary to attend the trial.

Conceiving it possible the collectors of Ganjam and Vizagapatam may refer these cases to the Right honourable the Governor in Council, before they determine by what means the several witnesses are to be conveyed to the presidency, I feel it my duty to acquaint you, for the information of the Right honourable the Governor in Council, that the conviction of the party now in custody under suspicion of being guilty of piracy, felony, and robbery, materially depends on the arrival of the persons who have been summoned as witnesses to attend the trial.

The near approach of the sessions, the public importance of the case, and the fullest conviction on my own mind, from the evidence already adduced before me, that the criminal acts charged against the nacod and others lately belonging to the Maydeen Bux can be proved, induce me to urge in the most strenuous manner the expediency of prompt and vigilant measures being enforced to ensure the timely arrival of the witnesses referred to, and such others from Vizagapatam, together with every corroborative information which has, and may be, obtained within those districts.

I have, &c.

(signed) *Chris. Biden*,
Beach Magistrate.

Madras, Marine Police-office,
30 December 1839.

No. 5
MADRAS.

Sent the following Letter from Mr. Secretary *Robert Clerk* (No. 5.) to the Collector and Magistrate of *Ganjam*, dated 6 January 1840.

No. 10.

Sir,

WITH reference to the annexed copy of a letter from the beach magistrate at Madras, dated the 30th ultimo, I am directed by the Right honourable the Governor in Council to request that prompt attention may be paid to the requisitions of that officer for the witnesses required on the trial of the *nacodah* of the brig *Maydeen Bux* before the Supreme Court at the approaching sessions.

I have, &c.

Fort St. George, 6 Jan. 1840.

(signed) *Robert Clerk*,
Secretary to Government.

No. 14.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 7th January 1840.

Read the following Letter from Captain *Christopher Biden*, Beach Magistrate, to the Secretary to Government, dated 3 January 1840.

Sir,

1. I HAVE the honour to enclose, for the information of the Right honourable the Governor in Council, copy of a letter I received yesterday from the collector of Vizagapatam, together with 43 original translated depositions referring to the pending investigation of charges alleged against the owner, the *nacoda*, and other persons taken up on the 1st and 2d of November last, on suspicion of being guilty of kidnapping children, with intent to deal with them as slaves.

2. It appears from the evidence already obtained through the zealous exertions of Mr. Arbuthnot, and declared by the statements of long and experienced residents within the district of Vizagapatam (*vide* Papers marked from 23 to 31), that the disgraceful practice of kidnapping and selling children has prevailed for a length of time, and the mart for this nefarious traffic has been between that portion of this presidency and Nagore.

3. Famine and seasons of misery and distress may in some degree palliate the enormity of such offences, yet it is too obvious that these primary causes are frequently made the plea for a progressive and continual source of evil, whereby designing and mercenary offenders may pursue their object to any extent; the systematic schemes of the buyer and seller, are evidently shown throughout this our first grand effort to subdue a practice which has been most fraudulent and extensive, and must have produced many instances of cruelty and oppression.

4. The advocate-general and I myself have had under our consideration the most conclusive evidence afforded by these depositions; and by his advice I shall now commit the party in custody for trial: they have hitherto been remanded from time to time, in defiance of every attempt to obtain their release by a writ of habeas corpus.

5. We are of opinion, that as nine of the depositions have positive reference to the parents and near relations of the children themselves who were rescued from the brig *Maydeen Bux*, undoubted testimony can be made available to prove the criminal acts charged against the party in custody, by enforcing the attendance of those persons whose statements I have alluded to.

6. It is, therefore, of the utmost importance, that ulterior proceedings against the offenders in question should be deferred until the arrival of those witnesses at the presidency: the evidence they have given before the collector and magistrate of Vizagapatam confirms so much of what has already transpired in the several examinations I have gone through with parties under my charge, that

that we have reason to believe the whole case against the prisoners can be clearly established.

No. 5.
MADRAS.

7. The Government have afforded the most liberal and ample means to pursue this most important investigation through all its bearings, and many apparent obstructions and difficulties in our proceedings have been overcome; it would, therefore, in my humble opinion, be most unjust and impolitic to allow any legal objections or technical opposition to impede the fair and upright course of obtaining the ends of justice, inasmuch as in this stage of our proceedings we can obtain the means required to ensure an equitable result.

8. The enactment of laws for the subjection of the slave trade are so severe and imperative, that every person found on board a slave vessel is, in some degree, implicated in the crime; the owner, the naccda, and those persons about to be finally committed under the Slave Act, are principally identified, and all are more or less involved by the evidence which has been adduced before me; I have, therefore, no apprehension as regards any legal attempts which may be made to thwart the process of conviction before the Supreme Court, but I am doubtful whether all the necessary witnesses can arrive by the 15th instant, when the sessions will commence.

9. To obviate any endeavour which may be made on the approaching sessions, to foreclose this serious and important case, we have every confidence and assurance in the talented zeal and support of the Honourable Company's law officers; and the present opportunity is most favourable for the annihilation of a practice which has hitherto obtained apparent sanction under the rooted habits and customs of a needy portion of the natives themselves on the one side, and the evil propensities of a domineering Mussulman caste on the other.

10. I have every reason to believe that the detection of the persons concerned in this transaction was chiefly owing to the number of children they brought from Calingapatam on board the Maydeen Bux. It appears that after her departure from Binlipatam on her intended voyage to this port and Nagore, she was driven in at Calingapatam by stress of weather, and remained there during the whole of the S. W. monsoon: this unexpected deviation and detention afforded time to procure so many children; and I suppose the practice had hitherto escaped the vigilance of the officers of Government, through the parties engaged in the traffic shipping off only a few at one time; but all attempts of the kind may be prevented hereafter by compelling the commanders or naccdahs of all native vessels to give in, at every port they touch, attested lists of their crew and passengers.

11. With reference to the eighth paragraph contained in the enclosed letter, you will observe that the collector of Vizagapatam has applied to the magistrate of Tanjore for information respecting the disposal of the children transported from the northern ports to Nagore; such a statement is much wanted, and may throw considerable light on the whole history of these transactions. He also states, in the same paragraph, that he wishes to know what steps he is to adopt regarding the disposal of a number of children he has discovered within his district, who are in the possession of some Cholia people. The children he alludes to have declared their wish to remain where they were found; but it may be observed, that they have been made converts to a new religion and caste, and cannot be considered as free agents.

12. With sincere hopes that our united efforts to crush this abominable traffic may be successful, and thereby restore confidence and individual security to the natives of that portion of the presidency where the practice has prevailed,

I have, &c
(signed) *Chris. Biden,*
Beach Magistrate.

Madras, Marine Police-office,
3 January 1840.

No. 5. From Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government,
MADRAS. dated 6 January 1840.

No. 16. Sir,

I HAVE the honour to acquaint you that the barque *Maydeen Cader Bux*, from Rangoon to this port and Nagore, anchored here this morning.

Immediately on her arrival I dispatched a peon in the police boat to search her, and 12 children were found, and have been brought on shore. I shall detain the nacoda and these children until a strict inquiry has been made regarding them, as I consider the case a very suspicious one, especially as I have reason to believe the nacodah is related to the owner of the *Maydeen Bux*.

I have, &c.
(signed) *Chris. Biden*,
Beach Magistrate.

Madras, Marine Police-office,
6 January 1840.

The *Maydeen Cader Bux* is laden with timber; the children are between the ages of 5 and 14 years.

(signed) *Chris. Biden*.

No. 17. Ordered that the foregoing letter be recorded.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 14th January 1840.

Read the following Letter from *R. A. Bannerman*, Esq. Collector and Magistrate of *Ganjam*, to the Secretary to Government, *Fort St. George*, dated 4 January 1840.

Sir,

I HAVE the honour to submit copy of a letter which I have received from the beach magistrate at the presidency, stating that the advocate-general deems it necessary that five individuals therein named, who are inhabitants of this district, should be forwarded to Madras, for the purpose of giving evidence in support of certain charges pending against the nacodah and others belonging to the native brig *Moydeen Bux*.

In compliance with the requisition of the beach magistrate, I shall take measures for forwarding the individuals in question to the presidency by the earliest sea opportunity, and request that I may be authorised to make such advances to them for their subsistence, and on account of their conveyance to the presidency, as may be necessary; the particulars of which shall be submitted hereafter for sanction.

I have, &c.
(signed) *R. A. Bannerman*,
Collector and Magistrate.

Ganjam District,
Collector and Magistrate's-office,
Purlah Kemedi, 4 Jan. 1840.

To the Collector and Magistrate of *Ganjam*.

Sir,

WITH reference to your letter of the 14th instant, I have the honour to acquaint you that the advocate-general deems it necessary that the persons named in the margin* should be sent here as witnesses as early as possible; I hope on the receipt of this letter an immediate opportunity will offer to send them by sea.

- * No.
1. Teroomalasetty-Paupiah.
2. Cokah Codundramiah.
3. Mungaly Appegadoo.
16. Meerah Sahab.
17. Khadul Meera Sahab.

The whole of the translation of the depositions is not yet complete; but rather than lose one day's post, I hasten to make this communication.

I have, &c.
(signed) *Chris. Biden*,
Beach Magistrate.

Madras Marine Police-office,
24 December 1839.

(True copy)
(signed) *R. A. Bannerman*,
Collector and Magistrate.

(No. 19.)

THE Right honourable the Governor in Council authorises the collector and magistrate of Ganjam to make such advances to the persons required from his district as witnesses on the trial of the nacodah of the native brig Maydeen Bux before the Supreme Court at Madras, as may be necessary for their subsistence and their conveyance to the presidency.

(By order,)

Fort St. George,
14 Jan. 1840.

(signed) *Robert Clerk,*
Secretary to Government.

No. 5.
M A D R A S.

Read the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 8 January 1840.

No. 20.

Sir,

I HAVE the honour to acquaint you that the owner, the nacoda, and other persons lately belonging to the Maydeen Bux, were finally committed to Her Majesty's gaol to take their trial on the 6th instant.

I have delivered to the clerk of the Crown the several depositions taken before me, and it is of consequence that he should have those statements from Vizagapatam which I forwarded to you on the 3d instant; may I request you will return them to me; I have copies and the originals in the Telooogo language, with which I can furnish the Government if required.

Madras, Marine Police-office,
8 January 1840.

I have, &c.
(signed) *Chris. Biden,*
Beach Magistrate.

(No. 14.)

THE Board observe, that the original depositions referred to in the second paragraph of the above letter, were returned to the beach magistrate on the 7th instant.

No. 21.

(By order,)

Fort St. George,
14 Jan. 1840.

(signed) *Robert Clerk,*
Secretary to Government.

Read the following Letter from Captain *Christopher Biden*, Beach Magistrate, to the Secretary to Government, dated 11 January 1840.

No. 22.

Sir,

ON the 6th instant, I had the honour to report the circumstance of 12 children being found on board the barque Maydeen Cader Bux, and I now beg leave to acquaint you, that while inquiring into that case, another native vessel, the Streevesha Lutchmy, arrived from Rangoon, and, on her being searched, 10 children were found on board. These, with the nacoda and other persons, who claimed them as their own children, were immediately brought to my office.

The result of a strict examination of the parties and the children, in both instances, leaves a strong impression on my mind that some of the boys, who bear evident marks of having belonged to the Gentoo caste, have been illegally brought away from their native country, and most of them are too young for service on board any vessel; but the difficulty and uncertainty which would attend an attempt to prove a charge against the parties of kidnapping and enslaving the children, and the expense which would be incurred by detaining the vessels, have induced me to bind the nacodas under a heavy penalty for one year, which will hold each of them liable to a prosecution, and the seizure of their vessels, should any positive information from the northern districts, or elsewhere, implicate either or both of them in a criminal offence. I trust the measures which I have thus ventured to adopt will tend to check the system of trafficking with slave children, and that the issue of the approaching trial will effectually suppress this atrocious practice.

No. 5.
MADRAS.

Under all these circumstances, I am anxious to receive the commands of the Right honourable the Governor in Council for my guidance, that I may know how far it may be expedient to proceed when, as in these cases, there is strong suspicion against the parties concerned.

I have further to acquaint you, that I have this day received a letter from the collector and magistrate of Vizagapatam, stating that he has given orders for the dispatch of the witnesses by the first vessel bound to this port, who were summoned in my communication to him of the 20th ultimo, to attend the trial of the owner, nacoda and others, lately belonging to the Maydeen Bux.

I have, &c.

(signed) Christopher Biden,
Beach Magistrate.

Madras Marine Police-office,
11 January 1840.

No. 23.

1. RESOLVED, That collectors of the maritime districts be instructed to cause all native vessels to be searched before leaving port, for the purpose of ascertaining whether they have any children on board who have been kidnapped, or otherwise obtained, as slaves.

2. Resolved, That the beach magistrate be requested to ascertain at what port the children discovered on board the Maydeen Cader Bux and Streevesha Lutchmy were embarked, and for what purpose.

EXTRACT, *Port St. George*, MARINE DIARY TO CONSULTATION of 21 January 1840.

No. 1.

Received the following Letter from Captain *Christopher Biden*, Beach Magistrate, to the Secretary to Government, dated 15 January 1840.

Sir,

I HAVE the honour to enclose, for the information of the Right honourable the Governor in Council, copy of a letter I have just received from the collector of Vizagapatam, and also to acquaint you that the witnesses have arrived, and are now ready to attend the trial of the owner, nacoda, and other persons imprisoned under a charge of piracy, felony, and robbery.

The sessions have opened, and from what I have learned by the charge of the honourable the judges to the grand jury, serious doubts may be entertained whether this important trial will take place, because no party has come forward as a prosecutor.

Under these circumstances, I feel it my duty to state, that no other difficulty now prevents an impartial trial, and an equitable issue to a case of such momentous interest to the character of the Government, and the welfare of the public at involving, as it does, a disgraceful traffic which has hitherto prevailed with impunity, and which, upon this occasion, admits of a sure and certain means of being effectually suppressed.

The public proceedings have reached a favourable crisis, and I earnestly hope the Government will not allow them to be stultified, which will inevitably be the case unless the Right honourable the Governor in Council be pleased to issue immediate directions to the advocate-general to become the prosecutor in the name and on behalf of the Government.

I have, &c.

(signed) Chris. Biden,
Beach Magistrate.

Madras, Marine Police-office,
15 January 1840.

(No. 7.)

To Captain *Biden*, Beach rate of *Madras*.

Sir,

I HAVE the honour to inform you, that I have this day shipped on board the *John Intaz* all the witnesses, &c. required by you, with the exception of the following persons :—

No. 6.—This

No. 6.—This individual, by name Goureqapilla Yelleqandoo, on hearing he was to be sent to Madras, made his escape from my peons.

No. 25.—This individual, named Vejapoo Pariah, is very old and infirm; he is of Baneon caste, and strongly objects to go on board ship; I have, therefore, substituted for him No. 30, named Cansarapoo Nursoo.

No. 2.—This individual, Danvooloory Pedda Ramoodoo, could not be found at present.

The remaining persons are as follows :

No. 1. Nadegottoo Unkala.

3. Basava Yerranyah.

4. Pautmabebee.

5. Seela Appeqandoo.

7. Booderetty Atchennah.

8. Audevarapoo Uakummah.

9. Moovala Parummah.

10. Chuppedy Appaayah.

11. Abdul Cawder.

12. Paulavalsa Sunnacy.

13. Abdulla Saib.

14. Vausapilla Yella.

15. Nolloo Polce.

No. 16. Munna Nookadoo.

17. Cansarapoo Nookee.

18. Nolloo Appaayah.

19. Sirla Paupee.

20. Pilla Daulee.

21. Aumeer Saib.

22. Chinna Murkadoo.

26. Munna Potiah.

27. Cuttamoory Potuanah.

30. Cansarapoo Nursoo.

Gondasee Daulee.

Gondasee Yella.

They are in charge of two my peons; I have agreed to pay Noortumbce, the syrang of the vessel, at the rate of six rupees per head for the whole party, including peons. I shall, therefore, be obliged by your paying 162 rupees on the above account on the arrival of the vessel at Madras.

I have further the honour to inform you, that the persons from No. 14 to 20, and the last two persons mentioned in the above list, are those named in my letter to you of the 6th instant.

I have, &c.

(signed) *W. U. Arbuthnot,*
Magistrate.

Vizagapatam District, Binlipatam,
Magistrate's-office, 1840.

P.S. I have the honour herewith to forward the receipt of the syrang to be returned to him on his delivering to you the persons made over to his charge.

(signed) *W. U. Arbuthnot,*
Magistrate.

The third individual, viz. No. 2, whose attendance could not be procured, has this moment made his appearance, and I have sent him on board, so that there are only two out of your list not sent. The vessel has just now sailed.

(signed) *W. U. Arbuthnot,*
Magistrate.

(True copy.)

(signed) *Chris. Biden,*
Beach Magistrate.

Sent the following Letter from Mr. Secretary *Robert Clerk* (No. 21), to the Advocate-general, dated 15th January 1840.

No. 2.

Sir,

WITH reference to your letter of the 6th November last, I am directed to transmit to you the accompanying copy of a communication from the beach magistrate under this date, and to state, that the Right honourable the Governor in Council authorises the public prosecution of the nacodah of the brig Maydeen Bux, for slave dealing, and all concerned in the alleged crime; and had conceived that authority to this effect was conveyed in my letter to your address of the 5th November.

I have, &c.

(signed) *Robert Clerk,*
Secretary to Government.

Fort St. George, 15 January 1840.

No. 5.
MADRAS.

No. 16.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 21st January 1840.

Read the following Letter from *George Norton*, Esq. Advocate-general, to the Secretary to Government in the Marine Department, dated 16th January 1840.

Sir,

1. WITH reference to your letter of yesterday's date, it appears to me fit to make some explanation.

2. I did not hesitate to consider, under the circumstances of the case, your letter of 5th November last as sufficiently conveying the authority of Government to prosecute the charge of slave dealing; but, after the directions of the Supreme Government, communicated by this Government to the honourable judges, I considered it proper to ascertain whether they might be pleased to interfere in requiring the professional assistance of the law officers of Government in prosecuting the case, as those directions of the Supreme Government intimated that such assistance should be left entirely with the honourable judges. In the meantime, as the case is one of weight and novelty, and involving much legal question, I took the precaution of having a counsel retained with me, and with his assistance prepared the indictment.

3. The judges, however, have intimated through the clerk of the Crown, to the Honourable Company's solicitor, that for want of a prosecutor, that is, a person bound over by the committing magistrate, or voluntarily attending to prefer an indictment at the sessions, they should not interfere in requiring the professional assistance of the law officers, deeming the wishes of the Supreme Government to refer to such cases only in which there was a prosecutor, either so bound over, or who should voluntarily prefer an indictment without being bound over; and, as I learn, it has been intimated by the court, that no indictment would be prepared or sent in by the clerk of the Crown in this case in the absence of such a prosecutor. I am informed, it was mentioned also by the honourable judge, in his charge to the grand jury, as one reason for the necessity of a prosecutor in all cases, that there should be somebody who would be answerable in damages in case of any unfounded and malicious prosecution.

4. This made it necessary, at all events, that Government should, as a voluntary prosecutor, prefer an indictment through its law officers, in case it was to be prosecuted at all; and as I could entertain no doubt that Government thought it expedient that this case should be prosecuted, I directed the Honourable Company's solicitor to proceed.

5. It appeared to me, however, advisable that Government should give express instructions for the prosecution of this case; inasmuch, as if I had acted without express instructions and the Bill should be thrown out, I am not absolutely sure that I might not be personally sued for a malicious prosecution; and, however absurd and unfounded such a charge might be, yet it is most expedient that the remotest pretence for such a course should be removed. I did not address Government on the subject, as I learnt the beach magistrate had done so.

6. As in none of the cases at this sessions has any prosecutor been bound over (and it has not been the practice this 20 years and more, as I am informed), it might have become necessary for me to have interfered in them also; but it appears that the clerk of the Crown has sent in indictments as usual in all these cases, except that against the sheriff and others for the escape of Mr. Handley, on which I shall have to report to Government, and, consequently, in those cases (which are not of that import as in themselves to suggest a Government prosecution), the honourable judges can have the law officers' assistance if deemed desirable.

I have, &c.

Fort St. George, 16 Jan. 1840.

(signed)

George Norton,

Advocate-general

Ordered to be recorded.

Read the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 20th January 1840.

No. 5.
MADRAS
No. 18.

Sir,

I HAVE the honour to acquaint you, that the trial of the owner, *nacoda*, and other persons belonging to the *Maydeen Bux*, charged with piracy, felony, and robbery, commenced at 11 A. M. this day, and terminated at 4 P. M. by a verdict of acquittal on a point of law.

The presiding judge, the Honourable Sir E. Gambier, addressed the prisoners through the Supreme Court Interpreter, in very severe terms, declaring that he had gone through the depositions, and that he entertained a strong conviction in his own mind that they were guilty of the charges alleged against them; but as the indictment was erroneous, because they, the prisoners, were not charged with a felonious intent, the Court considered that point of law as fatal, and gave them the benefit thereof. The honourable the judges were both on the bench.

Under these circumstances, I shall be anxious to receive the orders of the Right honourable the Governor in Council for my guidance as to the disposal of the children under my care, and the witnesses who have been in attendance on the trial. I am also desirous of receiving the directions of Government with respect to the conduct I shall observe in any further control over the *Maydeen Bux*, the owner, *nacoda*, and the crew of that vessel.

I have, &c.

Madras, Marine Police Office,
20 January 1840.

(signed) *Chris. Biden*,
Beach Magistrate.

Ordered, that the following letter be dispatched.

From Mr. Secretary *Robert Clerk* (No. 26), to the Advocate-general, dated 21st January 1840.

No. 19.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you the accompanying letter from one of the beach magistrates, reporting that the parties belonging to the *Maydeen Bux*, charged with piracy, felony, and robbery, and supposed to be guilty, have been acquitted on a point of law, and to request to be informed whether any ulterior proceedings can be instituted against them, and of the cause of the defect in the original indictment pointed out by the presiding judge.

I have, &c.

(signed) *Robert Clerk*,
Secretary to Government.

Fort St. George, 21 Jan. 1840.

EXTRACT, *Fort St. George*, MARINE CONSULTATION of 28th January 1840.

Read the following Letter from *Geo. Norton*, Esq., Advocate-general, to the Secretary to Government in the Judicial Department, dated 21st January 1840.

Sir,

I HAVE the honour to acknowledge your letter of this day's date, and to state that the beach magistrate's communication has, in substance, correctly noticed the ground of the acquittal of the parties charged with slave dealing.

Upon the verdict of not guilty being pronounced, the presiding judge, after intimating, as the beach magistrate states, to the prisoners that the court gave them the benefit of the point of law, addressed them by a suitable admonition as to the jeopardy in which their lives were in case they ever should be engaged in such dealings as had been charged against them, and then

No. 5.
MADRAS.

ordered them to be discharged. I presume that a judgment has been entered of record accordingly in the usual form. The acquittal under these circumstances precludes any ulterior measures with a view to make these parties responsible criminally.

I must at the same time add my regret, that the verbal omission in the indictment should have escaped my attention in settling it, when laid before me for that purpose.

I have, &c.
(signed) *Geo. Norton,*
Advocate-general.

Fort St. George, 21 January 1840.

Para. 1. ALTHOUGH the Advocate-general takes blame to himself for having allowed a verbal omission in the indictment against the *nacodah* of the brig *Moydeen Bux* and others, charged with slave dealing, to have escaped his attention, yet the Right honourable the Governor in Council considers that the omission, in consequence of which individuals supposed to have been guilty of a heinous offence remain unpunished, and the ends of justice have been defeated, reflects great discredit upon the person who drew up the indictment.

2. As it appears that the acquittal of the parties precludes any ulterior measures, the beach magistrate is authorised to adopt measures for sending back the witnesses to their respective districts.

3. In respect to the children who have been taken from the brig *Moydeen Bux*, the Right honourable the Governor in Council considers that all such as have relatives should be restored to their relations as early as practicable, and requests that the beach magistrate will submit his opinion regarding the disposal of those who have no relations living, and no friends willing to receive them, in reference to their age, sex, and caste.

EXTRACT, *Fort St. George*, MARINE DIARY to CONSULTATION,
4th February 1840.

Received the following Letter from Captain *Christopher Biden*, Beach Magistrate, to the Secretary to Government, dated 27th January 1840.

Sir,

I HAVE the honour to enclose, for the consideration and approval of Government, copy of a tender for the passage of the witnesses who were summoned from *Vizagapatam* to give evidence on the late trial of the owner and other persons belonging to the *Maydeen Bux*.

The brig *Union* will sail for *Vizagapatam* on the 1st proximo.

I have, &c.
(signed) *Chris. Biden,*
Beach Magistrate.

Madras, Marine Police-office,
27 January 1840.

Captain *C. Biden*, Master-Attendant.

Sir,

WE have the honour to acknowledge the receipt of your letter of this date, and beg to state in reply, that the brig *Union* can convey the natives to *Vizagapatam* on the 'twixt deck at the rate of 12 rupees each for the men and women, and half of that sum for each child, the commissariat supplying their provisions, &c.

Madras, 24 Jan. 1840.

We have, &c.
(signed) *Hall and Philipz.*

(A true copy.)
(signed) *Chris. Biden,*
Beach Magistrate.

(No. 37.)

No. 5.
MADRAS.

THE Right honourable the Governor in Council authorises the tender of the brig Union for the conveyance to Vizagapatam of the witnesses summoned from that place to give evidence on the trial of the nocadah of the brig Maydeen Bux and others, before the Supreme Court, to be accepted, the men and women at (12) twelve rupees each, and children at (6) six rupees each, the commissariat finding provisions.

(By order.)

Fort St. George, 4 February 1840.

(signed) *Robert Clerk,*
Secretary to Government.EXTRACT, *Fort St. George*, MARINE CONSULTATION of 4th February 1840.

Read the following Letter from Captain *Chris. Biden*, Beach Magistrate, to the Secretary to Government, dated 1st February 1840.

Sir,

WITH reference to extract from the Minutes of consultation of the 30th ultimo, I have the honour to acquaint you that the witnesses who were summoned from Vizagapatam, together with 12 children, who found parents or near relations amongst these persons, embarked to-day on board the brig Union.

2. There remain under my charge one girl and 15 boys. I will obtain every information I can as to the most eligible mode for their final disposal, and submit the result of my inquiries for the consideration of the Right honourable the Governor in Council.

3. The owner and nacoda of the Maydeen Bux resumed the charge of that vessel last Monday, and have, since the trial, betrayed the greatest fear of ulterior measures being adopted against them; they will sail for Nagore this evening.

4. In reviewing this important case, I beg leave to call your attention to the extraordinary statements which the inquiry and investigation thereof have now placed upon record.

1st. It is affirmed by several witnesses, that children have been obtained by a variety of ways and means throughout the northern districts, from Coringa to Ganjam for a number of years; and the evidence brought forward to sustain the late trial proves that many of those rescued from the Maydeen Bux were decoyed away, or stolen from their parents; therefore, the inference as to the practice which has so long prevailed, is almost conclusive.

2d. It is also stated by the same testimony, that all the children which are taken from the northern districts are carried away by land and sea to Nagore.

3d. The acting principal collector of Tanjore has, in his reply to the collector of Vizagapatam on this subject, stated that the answers furnished by the officers in charge of the several ports to questions put to them in consequence of the inquiry which was made, "give no ground to suppose that it is customary for native vessels to bring children to the ports within that district for the purpose of disposing of them for domestic or other description of slavery."

4th. As it is very improbable that all the children transported from the northward can be provided for at Nagore, or in the vicinity of that place, I have endeavoured to ascertain how they are disposed of; and since the unfortunate issue of the trial, I have put this question to the conecopoly of the Maydeen Bux, whose depositions taken before me, and fully confirmed by the evidence he declares that a number of these children are sent away in native vessels from Nagore beyond sea, to countries eastward, and there sold to the Malays or perhaps to the Dutch. I have every reason to believe that this traffic extends along the coast of Sumatra from Bencoolen to Acheen, and probably to other places nearer to our settlements within the Straits of Malacca; it is, therefore, possible that the resident councillor of Penang may be enabled to obtain material information on this point, whereby some idea may be formed as to the extent of the practice and the number of victims who fall a prey to such nefarious dealings.

No. 5.
MADRAS.

5th. Adverting to the Minutes of consultation of the 14th ultimo, I have the honour to acquaint you, that after a strict examination of the nacodas, the crews and the children belonging to the Maydeen Cader Bux and Strcevescha Lutchmy, they one and all declared that the children embarked on board their respective vessels at the port whence they first sailed and to which they belong; that they had their fathers or very near relations on board, and that they were employed on board as cook-boys. Those children who bore evident marks of having belonged to the Gentoo caste, were kept at my office for several days, and were repeatedly examined without the presence of their masters; but no evidence could be obtained from them to refute these statements, or tending in any way to confirm my suspicions, or lead to any clue as to their origin and transmission from their homes.

6th. Considering it impossible to pursue any further inquiry with the prospect of a satisfactory result, I therefore bound the nacodas of those vessels under a heavy recognizance for a period of one year, and then released them.

Madras, Marine Police-office,
1 February 1840.

I have, &c.
(signed) *Chris. Biden,*
Beach Magistrate.

THE Right honourable the Governor in Council directs that communication be made to the resident councillor at Prince of Wales' Island, and the acting principal collector of Tanjore, on the subject of the above letter, and approves of the proceeding reported in the two last paragraphs.

Ordered, that the following letters be dispatched.

From Mr. Secretary *Robert Clerk* (No. 47), to the Resident Councillor,
at *Prince of Wales' Island*, dated 4th February 1840.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit for your information, and for such notice as may appear necessary, the accompanying extract from a letter from the beach magistrate at Madras, dated the 1st instant, relative to the case of the owner and nacodah of the native brig Moydeen Bux and others, who were brought to trial before the Supreme Court on a charge of slave dealing, and acquitted on a point of law, in consequence of an omission in the indictment.

2. The beach magistrate states that he has reason to believe that a traffic in slaves exists between Nagore and countries to the eastward, and his Lordship in Council will be glad to receive any information you may be able to obtain on this point, in order that measures may be adopted to put a stop to it.

Fort St. George, 4 February 1840.

I have, &c.
(signed) *Robert Clerk,*
Secretary to Government.

From Mr. Secretary *Robert Clerk* (No. 48), to the Acting Principal
Collector of *Tanjore*, dated 4th February 1840.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you the annexed extract from a letter from the beach magistrate, dated the 1st instant, on the subject of the trial of the nocadah of the Moydeen Bux and others, who were charged with slave dealing, and to request that you will make strict inquiries regarding the supposed traffic in slaves, from the northern ports to Nagore, and from thence to the eastward, and report the result for the information of Government.

Fort St. George, 4 February 1840.

I have, &c.
(signed) *Robert Clerk,*
Secretary to Government
(True extracts.)
H. N. G. Mason,
Acting Deputy Secretary to Government

— No. 6. —

No. 6.
MADRAS.

EMANCIPATION OF SLAVES IN COORG.

EXTRACT POLITICAL LETTER from *Fort William*, dated 27th February 1839.

Para. 131. WE learned with satisfaction from the Commissioner's report, marginally referred to, the emancipation of the Punnay slaves, and we sanctioned the expenses incurred on that account as specified in the list which accompanied Lieutenant-colonel Cubbon's letter. This subject was last noticed in the 271 and 272 paras. of the letter from the government of India, dated 28th November, 33 of 1836.

1838:
Cons. 5 Sept.
Nos. 54 to 56.

EXTRACT POLITICAL LETTER from *India*, dated 14th Jan. (No. 1.) 1841.

Para. 215. THE correspondence cited in the margin relates to an application made by the principal collector of Canara for the restoration of certain slaves who had fled from that district, and taken refuge in Coorg.

Pol. Cons. 1840,
13 July,
Nos. 140 to 143.
3 August,
Nos. 111 & 112.

216. The instructions issued by Colonel Cubbon to the superintendent of Coorg on this subject were to the effect that no impediment should be opposed to the voluntary return of these slaves to their owner, but that there should be no interposition of the superintendent's authority to enforce their compulsory restoration without the previous sanction of the Government of India.

217. We expressed our approbation of the principle of proceeding observed by the commissioner in this matter, and caused a transcript of his despatch on the subject to be forwarded to our Legislative Department for communication to the Law Commission.

EXTRACT POLITICAL LETTER to *India*, dated 22d Jan. (No. 3) 1840.

47. WE are happy to find that the measure of emancipating the government slaves has been completely successful; the persons so emancipated having conducted themselves well, and those who have not remained in the service of the ryots to whom they were formerly attached, having established themselves as independent labourers, or taken land and become ryots.

Coorg.

EXTRACT, *Fort William*, POLITICAL CONSULTATION of 5th Sept. 1838.

From the Commissioner in *Coorg* to the Secretary to the Government of *India*, in the Political Department, *Fort William*, dated 29th June 1838.

No. 54.

Sir,

WITH reference to the 3d paragraph of Mr. Secretary Macnaghten's letter, dated 8th February 1836, conveying to me the orders of the Right honourable the Governor-general of India in Council, on the subject of the emancipation

No. 6.
MADRAS.

of the Punnay slaves in Coorg, I have now the honour to forward for submission to the Honourable the President in Council a list of the slaves made free, and a detailed account of the disbursements made in respect of them.

I have, &c.

Bangalore, 29 June 1838.

(signed) *M. Cubbon*,
Commissioner.

Document referred to in the foregoing Letter.

No. 55

To Lieutenant-colonel *M. Cubbon*, Commissioner for the Affairs of Coorg.

Sir,

I AM desired by the Right honourable the Governor-general of India in Council to acknowledge the receipt of Lieutenant-colonel Fraser's letter dated the 18th ultimo, submitting, with reference to my letter of the 12th of October last, a report from Captain Le Hardy, respecting the emancipation of the Punnah slaves in Coorg.

2. In reply, I am directed to acquaint you, that the Governor-general in Council sees no reason to doubt the propriety of the instructions already issued to Colonel Fraser, especially as that officer has advanced no new argument in support of his opinion.

3. The suggestions of Captain Le Hardy for giving effect to the views of Government are approved, and the disbursements which he recommends to be made are sanctioned. A detailed account of them will of course be furnished hereafter.

4. To the arrangements proposed by Captain Le Hardy, however, there is one modification which I am desired to acquaint you is indispensable. The emancipated slaves are not to be placed under surveillance as a measure preliminary to their obtaining freedom, but restraint in the mode proposed in the sixth paragraph of Captain Le Hardy's letter may be imposed upon such of them as evince a determined disposition to idleness and mischief.

I have, &c.

Fort William, 8 Feb. 1836.

(signed) *W. H. Macnaghten*,
Secretary to Government of India.

(True copy.)

(signed) *C. F. Le Hardy*, Superintendent.

(True copy.)

(signed) *M. Cubbon*, Commissioner.

(signed) *A. Clarke*, Officiating Secretary.

No. 2.—STATEMENT of DONATIONS, &c. given to the Punnay Slaves of Coorg, on being Emancipated, as per authority contained in the Letter from the Supreme Government, under date the 8th February 1836.

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
1	male	Maidoo	35	Coorg	Kodagadhaut	labourer	-	- It was not deemed necessary to give this individual an donation, as he has been residing with his relations, who are jumma ryot since the troops entered Coorg.
2	ditto	Bhanlah	30	Holiah	Bamgoore	ditto	3	
3	ditto	Appoo	22	ditto	ditto	ditto	3	
4	ditto	Oorlah	15	ditto	ditto	ditto	3	
5	ditto	Mottah	25	ditto	ditto	ditto	3	
6	female	Potty	45	ditto	ditto	ditto	2	
7	ditto	Lingee	15	ditto	ditto	ditto	1	
8	male	Doddah	50	ditto	Koottooree	ditto	3	
9	ditto	Byroo	10	ditto	ditto	ditto	1	
10	female	Maidee	40	ditto	ditto	ditto	2	
11	ditto	Kanly	7	ditto	ditto	ditto	1	
12	male	Karyah	40	ditto	ditto	ditto	3	
13	ditto	Yeeroo	50	ditto	Koondachary	ditto	2	
14	ditto	Byroo	15	ditto	ditto	ditto	3	
15	ditto	Yeeroo	20	ditto	ditto	ditto	3	
16	ditto	Lingoo	8	ditto	ditto	ditto	1	
17	female	Kanly	40	ditto	ditto	ditto	2	
18	male	Byroo	35	ditto	ditto	ditto	3	
19	female	Kanly	35	ditto	Bamgooree	ditto	2	
20	male	Byra	4	ditto	ditto	ditto	1	
21	ditto	Yeerah	2	ditto	ditto	ditto	1	
22	ditto	Hceregah	6mo	ditto	ditto	ditto	1	
23	female	Poonuckah	45 y	Coorg	ditto	ditto	2	
24	ditto	Oommuckah	25	ditto	ditto	ditto	2	
25	male	Umbady	35	Goodday Moyla	Bhangamundul	ditto	3	
26	ditto	Belathah	40	ditto	ditto	ditto	2	
27	female	Kummadathy	30	ditto	ditto	ditto	3	
28	male	Kawary	18	ditto	ditto	ditto	2	
29	ditto	Beeroo	12	ditto	ditto	ditto	1	
30	female	Koombay	6	ditto	ditto	ditto	1	
31	ditto	Kamtchy	25	ditto	ditto	ditto	1	
32	ditto	Sunnah Kaurchy	20	ditto	ditto	ditto	1	
33	ditto	Belley	16	ditto	ditto	ditto	1	
34	male	Karriah	4	ditto	ditto	ditto	-	
35	ditto	Yelloombah	30	ditto	ditto	ditto	3	
36	female	Koonny Kunng	25	ditto	ditto	ditto	2	
37	male	Chelley	35	ditto	ditto	ditto	3	
38	ditto	Cawary	22	ditto	ditto	ditto	3	
39	ditto	Manickah	25	ditto	ditto	ditto	3	
40	ditto	Kykolah	25	ditto	ditto	ditto	3	
41	female	Pootturchy	18	ditto	ditto	ditto	2	
42	male	Pandy	25	ditto	ditto	ditto	2	
43	female	Cherrumby	20	ditto	ditto	ditto	2	
44	male	Maratay Chembah	50	ditto	ditto	ditto	3	
45	female	Belootha	45	ditto	ditto	ditto	2	
46	male	Marawah	6	ditto	ditto	ditto	1	
47	ditto	Belootha	5	ditto	ditto	ditto	1	
48	ditto	Bellychembah	15	ditto	ditto	ditto	3	
49	female	Belootha	40	ditto	ditto	ditto	2	
50	ditto	Belly	40	ditto	ditto	ditto	2	
51	ditto	Churoomby	12	ditto	ditto	ditto	1	
52	ditto	Pootturchy	5	ditto	ditto	ditto	1	
53	ditto	Koombay	4	ditto	ditto	ditto	1	
54	ditto	Beerpo	3	ditto	ditto	ditto	1	
55	male	Beerah	40	ditto	Karikay	ditto	3	
56	ditto	Chanroo	60	ditto	ditto	ditto	3	
57	ditto	Uondah Belatah	80	ditto	ditto	ditto	-	
58	female	Teeyutty	65	ditto	ditto	ditto	-	
59	male	Ooroombah	30	ditto	Chembenah	ditto	3	
60	ditto	Beerah	45	Holiah	Radeguttoore	ditto	3	
61	ditto	Mullah	23	ditto	ditto	ditto	3	
62	ditto	Soobbah	11	ditto	ditto	ditto	2	
63	female	Dayee	35	ditto	ditto	ditto	2	
64	ditto	Byree	35	ditto	ditto	ditto	2	
65	ditto	Buttely	20	ditto	ditto	ditto	2	
66	ditto	Dayee	22	ditto	ditto	ditto	2	

These two individuals being too old to work, and having no relatives, two bottles of paddy yearly were ordered to be given to each of them for their maintenance.

CORRESPONDENCE ON THE SLAVE TRADE.

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
67	female	Byree -	7	Holiah -	Radeguttoore -	labourer -	1 - -	
68	male	Yeeroo -	55	ditto -	Urouttoo Vokul -	ditto -	3 - -	
69	female	Byree -	45	ditto -	ditto -	ditto -	2 - -	
70	male	Davagah -	35	ditto -	ditto -	ditto -	3 - -	
71	ditto	Nceeroovany -	4	ditto -	ditto -	ditto -	1 - -	
72	ditto	Ycerah -	1	ditto -	ditto -	ditto -	1 - -	
73	female	Kooltoo -	30	ditto -	ditto -	ditto -	2 - -	
74	ditto	Hiely -	12	ditto -	ditto -	ditto -	2 - -	
75	male	Poottah -	40	ditto -	Koombaladalah -	ditto -	3 - -	
76	female	Dayce -	33	ditto -	ditto -	ditto -	2 - -	
77	male	Ody -	33	Mary ditto -	Hoodoorce -	ditto -	3 - -	
78	ditto	Kooranloo -	35	ditto -	ditto -	ditto -	3 - -	
79	ditto	Mundakah -	13	ditto -	ditto -	ditto -	2 - -	
80	female	Kookatty -	22	ditto -	ditto -	ditto -	2 - -	
81	ditto	Karakatty -	20	ditto -	ditto -	ditto -	2 - -	
82	ditto	Somy -	1	ditto -	ditto -	ditto -	1 - -	
83	male	Kokah -	33	ditto -	ditto -	ditto -	3 - -	
84	ditto	Gooreeka -	28	ditto -	ditto -	ditto -	3 - -	
85	ditto	Chennah -	4	ditto -	ditto -	ditto -	1 - -	
86	female	Soomy -	25	ditto -	ditto -	ditto -	2 - -	
87	ditto	Maincha -	16	ditto -	ditto -	ditto -	2 - -	
88	ditto	Soomy -	6	ditto -	ditto -	ditto -	1 - -	
89	ditto	Dayoo -	3	ditto -	ditto -	ditto -	1 - -	
90	ditto	Kanly -	2mo	ditto -	ditto -	ditto -	1 - -	
91	ditto	Ungeray -	7 y ^r	ditto -	ditto -	ditto -	1 - -	
92	male	Jeggooly -	30	ditto -	ditto -	ditto -	3 - -	
93	female	Makauly -	20	ditto -	ditto -	ditto -	2 - -	
94	ditto	Ittay -	1	ditto -	ditto -	ditto -	1 - -	
95	male	Beerah -	2	ditto -	ditto -	ditto -	3 - -	
96	ditto	Kanry Kunnah -	30	Goodday Mayela -	Sumpajey -	ditto -	3 - -	
97	female	Churooday -	25	ditto -	ditto -	ditto -	2 - -	
98	male	Karoottah -	45	ditto -	ditto -	ditto -	3 - -	
99	ditto	Poottariah -	6	ditto -	ditto -	ditto -	1 - -	
100	female	Cheerooday -	1mo.	ditto -	ditto -	ditto -	1 - -	
101	ditto	Bellay -	35y ^r	ditto -	ditto -	ditto -	2 - -	
102	ditto	Koottoo -	90	Holiah -	Heravannaad -	ditto -	2 - -	
103	ditto	Tippy -	15	ditto -	ditto -	ditto -	2 - -	
104	ditto	Soobhy -	6	ditto -	ditto -	ditto -	1 - -	
105	male	Jageekoottah -	70	Kembutty -	Koonjahah -	ditto -	3 - -	
106	ditto	Soobhookoottah -	25	ditto -	ditto -	ditto -	3 - -	
107	female	Chetty -	25	ditto -	ditto -	ditto -	2 - -	
108	ditto	Unimayah -	23	ditto -	ditto -	ditto -	2 - -	
109	ditto	Ummah -	27	ditto -	ditto -	ditto -	2 - -	
110	ditto	Poovijjah -	2	ditto -	ditto -	ditto -	1 - -	
111	ditto	Chinnay -	1	ditto -	ditto -	ditto -	1 - -	
112	male	Karanuah -	30	ditto -	ditto -	ditto -	3 - -	
113	female	Magujjah -	20	ditto -	ditto -	ditto -	2 - -	
114	male	Malookattah -	5	ditto -	ditto -	ditto -	1 - -	
115	ditto	Soobhookottah -	11	ditto -	ditto -	ditto -	1 - -	
116	female	Poovijjah -	12	ditto -	ditto -	ditto -	2 - -	
117	male	Uppoo Kottah -	36	ditto -	ditto -	ditto -	3 - -	
118	ditto	Koollah Soobbah -	32	ditto -	ditto -	ditto -	3 - -	
119	female	Moyujjah -	22	ditto -	ditto -	ditto -	2 - -	
120	ditto	Kooky -	19	ditto -	ditto -	ditto -	2 - -	
121	male	Thimmah Kottah -	12	ditto -	ditto -	ditto -	2 - -	
122	female	Poovijjah -	6	ditto -	ditto -	ditto -	1 - -	
123	male	Soobbah Kottah -	60	ditto -	ditto -	ditto -	3 - -	
124	female	Chitray -	20	ditto -	ditto -	ditto -	2 - -	
125	ditto	Oonmcyjah -	40	ditto -	ditto -	ditto -	2 - -	
126	ditto	Karnjee -	12	ditto -	ditto -	ditto -	2 - -	
127	male	Momookootty -	6	ditto -	ditto -	ditto -	1 - -	
128	ditto	Oonnekah Koolty -	3	ditto -	ditto -	ditto -	1 - -	
129	ditto	Soonakottah -	35	ditto -	Yevakah Pandy -	ditto -	3 - -	
130	female	Fimmy -	15	ditto -	ditto -	ditto -	2 - -	
131	ditto	Ummayah -	40	ditto -	Kolakary -	ditto -	2 - -	
132	male	Chinegoo -	18	ditto -	ditto -	ditto -	3 - -	
133	ditto	Mudah Kottah -	12	ditto -	ditto -	ditto -	2 - -	
134	ditto	Uchoo Kottah -	4	ditto -	ditto -	ditto -	1 - -	
135	ditto	Appoo Kotta -	38	ditto -	Bailtoo -	ditto -	3 - -	
136	female	Moyujjah -	25	ditto -	ditto -	ditto -	2 - -	
137	ditto	Chinny -	20	ditto -	ditto -	ditto -	2 - -	
138	ditto	Chitty -	12	ditto -	ditto -	ditto -	2 - -	
139	male	Oottah Kottah -	28	ditto -	ditto -	ditto -	3 - -	
140	ditto	Appoo Kottah -	37	ditto -	Yavuck Pandy -	ditto -	3 - -	

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
141	female	Möyujjah	35	Kembutty	Yavuck Pandy	labourer	2 - -	
142	male	Kottah	35	ditto	ditto	ditto	3 - -	
143	ditto	Karinbah	28	ditto	ditto	ditto	3 - -	
144	female	Poovujjah	15	ditto	ditto	ditto	2 - -	
145	male	Kanloo	15	ditto	ditto	ditto	3 - -	
146	female	Ummajah	19	ditto	ditto	ditto	2 - -	
147	male	Thavoo Kottah	37	ditto	Koonjahla	ditto	3 - -	
148	female	Bellachy	20	ditto	ditto	ditto	2 - -	
149	ditto	Karachy	18	ditto	ditto	ditto	2 - -	
150	male	Berah	4	Gooddry Moyela	ditto	ditto	1 - -	
151	ditto	Kollah Beerah	35	ditto	ditto	ditto	3 - -	
152	ditto	Siddah	35	Jogce	Napuckaloo	cultivator	- - -	70 butties of land and the usual proportion of tuckav given to them.
153	female	Poottey	30	ditto	ditto	ditto	- - -	
154	male	Mahalingah	8	ditto	ditto	ditto	- - -	
155	female	Soobucka	45	Coorg	Koonjala	labourer	2 - -	
156	male	Yalomba	18	Gooddry Moyela	ditto	ditto	1 - -	
157	ditto	Kotty	25	Kembutty	Kurdah	ditto	3 - -	
158	female	Macjiah	18	ditto	ditto	ditto	2 - -	
159	male	Lomakottah	23	ditto	ditto	ditto	3 - -	
160	female	Singoo	18	ditto	ditto	ditto	2 - -	
161	male	Matha Kottah	20	ditto	ditto	ditto	3 - -	
162	ditto	Kauree Kottah	35	ditto	Palwngala	ditto	3 - -	
163	ditto	Achoo Kottah	18	ditto	ditto	ditto	3 - -	
164	ditto	Belloo Kottah	16	ditto	ditto	ditto	3 - -	
165	female	Mayejjah	15	ditto	ditto	ditto	2 - -	
166	male	Machoo Kottah	45	ditto	Balamooree	ditto	3 - -	
167	female	Mayejjah	30	ditto	ditto	ditto	2 - -	
168	male	Koottah	50	ditto	ditto	ditto	3 - -	
169	female	Somucka	28	Coorg	Konajegary	ditto	2 - -	
170	ditto	Ummoo	23	ditto	ditto	ditto	1 - -	
171	male	Yeerah	30	Holiah	Aroovuttoo Vocaloo	cultivator	3 - -	40 butties of land and the usual proportion of tuckav given to these.
172	ditto	Kanree	23	ditto	ditto	ditto	3 - -	
173	ditto	Yecroo	3	ditto	ditto	ditto	1 - -	
174	female	Siddee	20	ditto	ditto	ditto	2 - -	
175	ditto	Chitta	60	ditto	ditto	ditto	2 - -	
176	male	Sidda	25	ditto	ditto	ditto	3 - -	30 butties of land and the usual proportion of tuckav given to these.
177	female	Yecree	20	ditto	ditto	ditto	2 - -	
178	ditto	Siddu	1	ditto	ditto	ditto	1 - -	
179	male	Byrah	38	ditto	ditto	ditto	3 - -	
180	ditto	Thavah	22	ditto	ditto	ditto	3 - -	50 butties of land and the usual proportion of tuckav given to these.
181	ditto	Thollah	18	ditto	ditto	ditto	3 - -	
182	female	Thimnee	35	ditto	ditto	ditto	2 - -	
183	ditto	Nemjee	15	ditto	ditto	ditto	2 - -	
184	male	Nunjah	30	Haravah	Ummthee	labourer	3 - -	
185	ditto	Kotah	28	ditto	ditto	ditto	3 - -	
186	ditto	Marah	20	ditto	ditto	ditto	3 - -	
187	ditto	ditto	4	ditto	ditto	ditto	1 - -	
188	ditto	Kariah	3	ditto	ditto	ditto	1 - -	
189	ditto	Chamma	2	ditto	ditto	ditto	1 - -	
190	female	Kaullee	30	ditto	ditto	ditto	2 - -	
191	ditto	Nemjee	20	ditto	ditto	ditto	2 - -	
192	ditto	Sunnah	5	ditto	ditto	ditto	1 - -	
193	ditto	Sunnah	11	ditto	ditto	ditto	1 - -	
194	male	Bellee	40	ditto	ditto	ditto	3 - -	
195	ditto	Kanla	16	ditto	ditto	ditto	3 - -	
196	ditto	Chamah	20	ditto	ditto	ditto	3 - -	
197	ditto	Kariah	12	ditto	ditto	ditto	1 - -	
198	female	Sunnah	5	ditto	ditto	ditto	1 - -	
199	ditto	Sunnah	40	ditto	Ummcethee	ditto	2 - -	
200	ditto	Bellachee	20	ditto	ditto	ditto	2 - -	
201	ditto	Mooke	15	ditto	ditto	ditto	2 - -	
202	ditto	Ummajah	25	ditto	Authooroo	ditto	2 - -	
203	male	Kariah	1	ditto	ditto	ditto	1 - -	
204	ditto	Kaullee	2	ditto	ditto	ditto	1 - -	
205	ditto	Vootha Kottah	30	Kembutty	Kollathadaby Goodoo	ditto	3 - -	
206	ditto	Matha Kotta	2	ditto	ditto	ditto	1 - -	
207	female	Cheeya	24	ditto	ditto	ditto	2 - -	
208	male	Appoo Kotta	16	ditto	ditto	ditto	3 - -	
209	ditto	Matha Kottah	28	ditto	ditto	ditto	3 - -	
210	ditto	Soma Kotta	2	ditto	ditto	ditto	1 - -	
211	female	Poovah	25	ditto	ditto	ditto	2 - -	
212	ditto	Thimnee	25	ditto	ditto	ditto	2 - -	

CORRESPONDENCE ON THE SLAVE TRADE,

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
213	female	Moyee - -	20	Kembutty - -	Kollathadaby Goodoo	labourer - -	2, - -	
214	male	Ikottah - -	25	ditto - -	Kykaree - -	ditto - -	3 - -	
215	female	Maree - -	50	ditto - -	ditto - -	ditto - -	2 - -	
216	ditto	Kaullee - -	20	ditto - -	ditto - -	ditto - -	2 - -	
217	male	Appoo Kottah - -	25	ditto - -	ditto - -	ditto - -	3 - -	
218	ditto	Thunmoe Kottah - -	60	ditto - -	Kallatha Madoo - -	ditto - -	3 - -	
219	ditto	Vootha Kottah - -	35	ditto - -	ditto - -	ditto - -	3 - -	
220	ditto	Achoo Kottah - -	25	ditto - -	ditto - -	ditto - -	3 - -	
221	female	Thimnee - -	40	ditto - -	ditto - -	ditto - -	2 - -	
222	ditto	Nunjee - -	20	ditto - -	ditto - -	ditto - -	2 - -	
223	ditto	Monney - -	9	ditto - -	ditto - -	ditto - -	1 - -	
224	ditto	Thunjoo - -	7	ditto - -	ditto - -	ditto - -	1 - -	
225	male	Siddah - -	18	Haravah - -	ditto - -	ditto - -	3 - -	
226	ditto	Chatha - -	10	ditto - -	ditto - -	ditto - -	1 - -	
227	female	Monney - -	40	ditto - -	ditto - -	ditto - -	2 - -	
228	ditto	Matha - -	17	ditto - -	ditto - -	ditto - -	2 - -	
229	ditto	Mathce - -	15	ditto - -	ditto - -	ditto - -	2 - -	
230	male	Kufumba - -	22	ditto - -	Belegootha - -	ditto - -	3 - -	
231	ditto	Jogee Kottah - -	60	Kembutty - -	Kalatha Madoo - -	ditto - -	3 - -	
232	ditto	Ikootty - -	15	ditto - -	ditto - -	ditto - -	3 - -	
233	female	Monney - -	50	ditto - -	ditto - -	ditto - -	2 - -	
234	ditto	Nunjee - -	6	ditto - -	ditto - -	ditto - -	1 - -	
235	male	Nariah - -	35	ditto - -	Belegootha - -	ditto - -	3 - -	
236	female	Kaullee - -	30	ditto - -	ditto - -	ditto - -	2 - -	
237	male	Marah - -	60	Haravah - -	ditto - -	ditto - -	3 - -	
238	female	Lunnah - -	60	ditto - -	ditto - -	ditto - -	2 - -	
239	ditto	Kaullee - -	40	ditto - -	ditto - -	ditto - -	2 - -	
240	male	Kariah - -	5	ditto - -	ditto - -	ditto - -	1 - -	
241	ditto	Chungarah - -	6	ditto - -	ditto - -	ditto - -	1 - -	
242	ditto	Joyee - -	20	ditto - -	ditto - -	ditto - -	3 - -	
243	ditto	Chatha Kotty - -	35	Kembutty - -	Muggala - -	ditto - -	3 - -	
244	ditto	Thimnah - -	20	ditto - -	ditto - -	ditto - -	3 - -	
245	female	Cheekoo - -	25	ditto - -	ditto - -	ditto - -	2 - -	
246	male	Soma Kootty - -	1	ditto - -	ditto - -	ditto - -	1 - -	
247	female	Boloo - -	40	ditto - -	ditto - -	ditto - -	2 - -	
248	male	Jyoo - -	14	Kembutty - -	ditto - -	ditto - -	2 - -	
249	ditto	Sooma Kootty - -	7	ditto - -	ditto - -	ditto - -	1 - -	
250	ditto	Kurumba Katta - -	55	ditto - -	Kondungary - -	ditto - -	3 - -	
251	female	Nunjee - -	40	ditto - -	ditto - -	ditto - -	2 - -	
252	ditto	Nuely - -	25	ditto - -	ditto - -	ditto - -	2 - -	
253	ditto	Hoonny - -	3mo	ditto - -	ditto - -	ditto - -	1 - -	
254	male	Cheera Kottah - -	40yr	ditto - -	ditto - -	ditto - -	3 - -	
255	female	Chilloo - -	25	ditto - -	ditto - -	ditto - -	2 - -	
256	ditto	Poovah - -	90	ditto - -	ditto - -	ditto - -	2 - -	
257	male	Ikottah - -	35	ditto - -	ditto - -	ditto - -	3 - -	
258	female	Chilloo - -	25	ditto - -	ditto - -	ditto - -	2 - -	
259	male	Chatha Kootty - -	4	ditto - -	ditto - -	ditto - -	1 - -	
260	ditto	Thippa Kottah - -	30	ditto - -	ditto - -	ditto - -	3 - -	
261	ditto	Chilluchoo - -	1mo	ditto - -	ditto - -	ditto - -	1 - -	
262	female	Thajee - -	28yr	ditto - -	ditto - -	ditto - -	2 - -	
263	ditto	Monny - -	20	ditto - -	ditto - -	ditto - -	2 - -	
264	male	Yeerah - -	60	Holiah - -	ditto - -	cultivator - -	3 - -	
265	ditto	Thimnah - -	35	ditto - -	ditto - -	ditto - -	3 - -	
266	ditto	Honnah - -	30	ditto - -	ditto - -	ditto - -	3 - -	
267	ditto	Lucka - -	15	ditto - -	ditto - -	ditto - -	1 - -	
268	ditto	Yeerah - -	10	ditto - -	ditto - -	ditto - -	1 - -	
269	female	Hoochee - -	55	ditto - -	ditto - -	ditto - -	2 - -	
270	ditto	Hoonny - -	5	ditto - -	ditto - -	ditto - -	1 - -	
271	ditto	Thungoo - -	3	ditto - -	ditto - -	ditto - -	1 - -	
272	ditto	Hoochee - -	16	ditto - -	ditto - -	ditto - -	2 - -	
273	ditto	Beeree - -	30	ditto - -	ditto - -	ditto - -	2 - -	
274	male	Thasah - -	50	ditto - -	ditto - -	ditto - -	3 - -	
275	female	Ummoo - -	30	ditto - -	ditto - -	ditto - -	2 - -	
276	male	Bungah - -	5	ditto - -	ditto - -	ditto - -	1 - -	
277	female	Hoonny - -	1	ditto - -	ditto - -	ditto - -	1 - -	
278	male	Thoddah - -	30	ditto - -	ditto - -	ditto - -	3 - -	
279	female	Hanoomee - -	20	ditto - -	ditto - -	ditto - -	2 - -	
280	ditto	Ningee - -	4mo	ditto - -	ditto - -	ditto - -	1 - -	
281	ditto	Kaullee - -	28yr	ditto - -	ditto - -	ditto - -	2 - -	
282	ditto	Thunnia - -	30	ditto - -	Haloogoontha - -	labourer - -	3 - -	
283	ditto	Lackah - -	25	ditto - -	ditto - -	ditto - -	3 - -	
284	ditto	Venckatah - -	15	ditto - -	ditto - -	ditto - -	3 - -	

100 butties of land, and the usual proportion of tuckavy given to these.

AND MEASURES TAKEN FOR ITS ABOLITION.

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Denation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
285	male	Hoonnah -	4	Holiah -	Haloogoontha -	labourer -	1 - -	
286	female	Giddy -	15	ditto -	ditto -	ditto -	2 - -	
287	ditto	Murry -	20	ditto -	ditto -	ditto -	2 - -	
288	ditto	Kempy -	15	ditto -	ditto -	ditto -	1 - -	
289	ditto	Byree -	60	ditto -	ditto -	ditto -	2 - -	
290	ditto	Koottah -	25	ditto -	ditto -	ditto -	2 - -	
291	male	Honnah -	40	ditto -	ditto -	cultivator -	3 - -	100butties of la and the usual p portion of tuck given to these.
292	ditto	Thimimah -	4	ditto -	ditto -	ditto -	1 - -	
293	female	Chironee -	12	ditto -	ditto -	ditto -	2 - -	
294	male	Koravah -	50	Haravah -	Naungala -	labourer -	3 - -	
295	female	Sunnah -	40	ditto -	ditto -	ditto -	2 2 -	
296	male	Belliah -	15	ditto -	ditto -	ditto -	1 - -	
297	female	Bollachee -	10	ditto -	ditto -	ditto -	1 - -	
298	male	Belliah -	5	ditto -	ditto -	ditto -	1 - -	
299	female	Cheerah -	3	ditto -	ditto -	ditto -	1 - -	
300	ditto	Kaullee -	1	ditto -	ditto -	ditto -	1 - -	
301	male	Appoo Kotta -	25	Kembutty -	Potha Kottah -	ditto -	3 - -	
302	ditto	Achoo Kotta -	60	ditto -	Kondongary -	ditto -	3 - -	
303	ditto	Karee Kotta -	20	ditto -	ditto -	ditto -	3 - -	
304	female	Thary -	40	ditto -	ditto -	ditto -	2 - -	
305	male	Chennah -	20	Holiah -	Thavanagarry -	cultivator -	3 - -	100butties of la and the usual p portion of tuck given to him.
306	ditto	Thippa -	35	ditto -	Aurjee -	ditto -	3 - -	40 butties of la and the usual p portion of tuck given to these.
307	female	Singhee -	30	ditto -	ditto -	ditto -	2 - -	
308	male	Yeerah -	45	ditto -	ditto -	labourer -	- - -	
309	female	Ninghee -	30	ditto -	ditto -	ditto -	- - -	
310	male	Yenkatah -	15	ditto -	ditto -	ditto -	- - -	
311	ditto	Yeerah -	25	ditto -	ditto -	ditto -	1 - -	
312	female	Sunnah -	25	ditto -	ditto -	ditto -	1 - -	
313	male	Ningha -	18	ditto -	ditto -	ditto -	1 - -	
314	ditto	Ramah -	5	ditto -	ditto -	ditto -	1 - -	
315	ditto	Thimimah -	3	ditto -	ditto -	ditto -	1 - -	
316	female	Kaullee -	15	ditto -	ditto -	ditto -	1 - -	
317	male	Ujjoo Kootty -	35	Kembutty -	Kondungary -	ditto -	1 - -	
318	ditto	Jaddiah -	20	Holiah -	Haloogoontha -	ditto -	3 - -	
319	ditto	Chenna -	25	Marydo -	Yadiyooroo -	ditto -	3 - -	
320	ditto	Soobbah -	22	ditto -	ditto -	ditto -	3 - -	
321	female	Hunnoo -	22	ditto -	ditto -	ditto -	2 - -	
322	male	Sookra -	1	ditto -	ditto -	ditto -	1 - -	
323	female	Mullaummy -	50	Vockaliga -	Haloogoontha -	ditto -	1 - -	
324	male	Yeerapah -	2	ditto -	ditto -	ditto -	1 - -	
325	ditto	Thavuppoo -	4	ditto -	ditto -	cultivator -	1 - -	
326	ditto	Matha Kottah -	35	Kembutty -	Haramary -	ditto -	3 - -	
327	ditto	Soma Kottah -	25	ditto -	ditto -	ditto -	3 - -	
328	ditto	Bellikottah -	20	ditto -	ditto -	ditto -	3 - -	
329	ditto	Matha Pottah -	20	ditto -	ditto -	ditto -	3 - -	
330	ditto	Ikottah -	16	ditto -	ditto -	ditto -	3 - -	
331	ditto	Chetty Kottah -	15	ditto -	ditto -	ditto -	3 - -	
332	ditto	Voetha Kottah -	16	ditto -	ditto -	ditto -	3 - -	
333	ditto	Vootha Kottah -	90	ditto -	ditto -	ditto -	3 - -	
334	ditto	Achoo Kottah -	15	ditto -	ditto -	ditto -	2 - -	
335	ditto	Jogee Kottah -	4	ditto -	ditto -	ditto -	1 - -	
336	female	Ummoo -	25	ditto -	ditto -	ditto -	2 - -	
337	ditto	Cheekoo -	22	ditto -	ditto -	ditto -	2 - -	
338	ditto	Poonjjah -	5	ditto -	ditto -	ditto -	1 - -	
339	ditto	Moyujjah -	3	ditto -	ditto -	ditto -	1 - -	
340	ditto	Ummoo -	50	ditto -	ditto -	ditto -	2 - -	
341	ditto	Chittay -	50	ditto -	ditto -	ditto -	2 - -	
342	male	Jugle Thimmoo Koottah -	45	ditto -	ditto -	ditto -	3 - -	
343	ditto	Joghee Kottah -	35	ditto -	ditto -	ditto -	3 - -	
344	ditto	Somoo Koottah -	10	ditto -	ditto -	ditto -	1 - -	
345	ditto	Thippoo Kottah -	7	ditto -	ditto -	ditto -	1 - -	
346	ditto	Ikootty -	4	ditto -	ditto -	ditto -	1 - -	
347	female	Moyajjee -	25	ditto -	ditto -	ditto -	2 - -	
348	male	Mottay Mathoo Koottah -	45	ditto -	ditto -	ditto -	3 - -	
349	ditto	Achoo Kottah -	22	ditto -	ditto -	ditto -	3 - -	

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
150	male	Somoo Kottah -	8	Kembutty -	Haramary -	cultivator -	1 - -	
151	female	Neely -	30	ditto -	ditto -	ditto -	2 - -	
152	ditto	Mojijjee -	3	ditto -	ditto -	labourer -	1 - -	
153	male	Karimha Kottah -	60	ditto -	ditto -	ditto -	3 - -	
154	ditto	Somoo Kottah -	40	ditto -	ditto -	ditto -	3 - -	
155	ditto	Voothoo Kottah -	10	ditto -	ditto -	ditto -	1 - -	
156	ditto	Mathoo Kottah -	7	ditto -	ditto -	ditto -	1 - -	
157	ditto	Motta Kottah -	3	ditto -	ditto -	ditto -	1 - -	
158	female	Theychee -	40	ditto -	ditto -	ditto -	2 - -	
159	ditto	Makoo -	30	ditto -	ditto -	ditto -	2 - -	
160	ditto	Mojijjee -	80	ditto -	ditto -	ditto -	2 - -	
161	ditto	Bellachee -	6	ditto -	ditto -	ditto -	1 - -	
162	male	Appoo Kottah -	22	ditto -	ditto -	ditto -	3 - -	
163	ditto	Ikotty -	15	ditto -	ditto -	ditto -	3 - -	
164	ditto	Somoo Kotty -	5	ditto -	ditto -	ditto -	1 - -	
165	female	Poonjee -	40	ditto -	ditto -	ditto -	2 - -	
166	ditto	Munthee -	12	ditto -	ditto -	ditto -	2 - -	
167	male	Balla Kotty Kottah -	40	ditto -	ditto -	ditto -	3 - -	
168	ditto	Somoo Kotty -	3	ditto -	ditto -	ditto -	1 - -	
169	female	Cheekoo -	30	ditto -	ditto -	ditto -	2 - -	
170	ditto	Havey -	10	ditto -	ditto -	ditto -	1 - -	
171	male	- Keerah Vootha Kottah.	25	ditto -	ditto -	ditto -	3 - -	
72	ditto	Vootha Koty -	12	ditto -	ditto -	ditto -	1 - -	
73	ditto	Appoo Koty -	9	ditto -	ditto -	ditto -	1 - -	
74	ditto	Joyce Koty -	7	ditto -	ditto -	ditto -	1 - -	
75	ditto	Ikottah -	20	ditto -	ditto -	ditto -	3 - -	
76	female	Poovah -	3	ditto -	ditto -	ditto -	1 - -	
77	male	Joyce Kottah -	45	ditto -	ditto -	ditto -	3 - -	
78	ditto	Thimmoo Kootty -	16	ditto -	ditto -	ditto -	3 - -	
79	ditto	- Vurpada Mathoo Kottah.	40	ditto -	Moorooro -	ditto -	3 - -	
80	ditto	Mundoo Kootty -	8	ditto -	ditto -	ditto -	1 - -	
81	ditto	Munoo Kootty -	7	ditto -	ditto -	ditto -	1 - -	
82	female	Thavy -	35	ditto -	ditto -	ditto -	2 - -	
83	ditto	Cheekoo -	22	ditto -	ditto -	ditto -	2 - -	
84	ditto	Kootoo -	80	ditto -	ditto -	ditto -	2 - -	
85	male	Appoo Kottah -	65	ditto -	Kathanoor -	ditto -	3 - -	
86	female	Thungoo -	50	ditto -	ditto -	ditto -	2 - -	
87	ditto	Ummoo -	12	ditto -	ditto -	ditto -	1 - -	
88	ditto	Ummajah -	60	ditto -	ditto -	ditto -	2 - -	
89	male	Korakurry Kottah -	50	ditto -	Haramary -	ditto -	3 - -	
90	ditto	Ikottah -	35	ditto -	ditto -	ditto -	3 - -	
91	female	Bolley -	35	ditto -	ditto -	ditto -	2 - -	
92	ditto	Poovah -	18	ditto -	ditto -	ditto -	2 - -	
93	male	Mathoo Kottah -	70	ditto -	ditto -	ditto -	3 - -	
94	ditto	Soobboo Kottah -	50	ditto -	ditto -	ditto -	3 - -	
95	ditto	Ikottah -	30	ditto -	ditto -	ditto -	3 - -	
96	ditto	Balloo Kottah -	20	ditto -	ditto -	ditto -	3 - -	
97	ditto	Ikottah -	12	ditto -	ditto -	ditto -	1 - -	
98	ditto	Appoo Kottah -	25	ditto -	ditto -	ditto -	3 - -	
99	ditto	Thunmoo Kottah -	22	ditto -	ditto -	ditto -	3 - -	
100	ditto	Nunjee Kottah -	17	ditto -	ditto -	ditto -	2 - -	
101	ditto	Achoo Kottah -	10	ditto -	ditto -	ditto -	1 - -	
102	ditto	Appoo Kootty -	8	ditto -	ditto -	ditto -	1 - -	
103	ditto	Buggoo Kootty -	2mo ^o	ditto -	ditto -	ditto -	1 - -	
104	ditto	Monmoo Kottah -	22y ^a	ditto -	ditto -	ditto -	3 - -	
105	ditto	Bellee Kottah -	7	ditto -	ditto -	ditto -	1 - -	
106	ditto	Vonakah -	3	ditto -	ditto -	ditto -	1 - -	
107	female	Cheekoo -	30	ditto -	ditto -	ditto -	2 - -	
108	ditto	Monny -	40	ditto -	ditto -	ditto -	2 - -	
109	ditto	Kauly -	35	ditto -	ditto -	ditto -	2 - -	
110	ditto	Nunjee -	16	ditto -	ditto -	ditto -	2 - -	
111	ditto	Uckoo -	40	ditto -	ditto -	ditto -	2 - -	
112	ditto	Poovah -	10	ditto -	ditto -	ditto -	1 - -	
113	ditto	Monny -	6	ditto -	ditto -	ditto -	1 - -	
114	male	Belly Kottay -	30	ditto -	ditto -	ditto -	3 - -	
115	female	Ummajah -	27	ditto -	ditto -	ditto -	2 - -	
116	male	Guday Ikottah -	35	ditto -	ditto -	ditto -	3 - -	
117	ditto	Jilloo Kottah -	18	ditto -	ditto -	ditto -	3 - -	
118	ditto	Thommoo Kootta -	10	ditto -	ditto -	ditto -	1 - -	
119	ditto	Soobboo Kottay -	8	ditto -	ditto -	ditto -	1 - -	
120	ditto	Ikottah -	7	ditto -	ditto -	ditto -	1 - -	
121	ditto	Mathoo Kootty -	4mo ^o	ditto -	ditto -	ditto -	1 - -	

AND MEASURES TAKEN FOR ITS ABOLITION.

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.			REMARKS
							R.	a.	p.	
422	female	Mahee - -	22y ^a	Kembutty - -	Haramary - -	labourer - -	2	-	-	
423	ditto	Chetty - -	30	ditto - -	ditto - -	ditto - -	2	-	-	
424	ditto	Ummoo - -	4	ditto - -	ditto - -	ditto - -	1	-	-	
425	ditto	Mundee - -	20	ditto - -	ditto - -	ditto - -	2	-	-	
426	male	Appoo Kottah -	30	ditto - -	ditto - -	ditto - -	3	-	-	
427	ditto	Sammoo Kottah -	25	ditto - -	ditto - -	ditto - -	3	-	-	
428	ditto	Jelloo Kottah -	35	ditto - -	ditto - -	ditto - -	3	-	-	
429	ditto	Voothoo Kottah -	8	ditto - -	ditto - -	ditto - -	1	-	-	
430	ditto	Voothoo Kottah -	12	ditto - -	ditto - -	ditto - -	1	-	-	
431	female	Moyujjah - -	14	ditto - -	ditto - -	ditto - -	2	-	-	
432	ditto	Cheekoo - -	9	ditto - -	ditto - -	ditto - -	1	-	-	
433	ditto	Cheekoo - -	28	ditto - -	ditto - -	ditto - -	2	-	-	
434	ditto	Monny - -	6	ditto - -	ditto - -	ditto - -	1	-	-	
435	male	Voothoo Kottah -	25	ditto - -	Mooroono - -	ditto - -	3	-	-	
436	ditto	Appoo Kottah -	20	ditto - -	ditto - -	ditto - -	3	-	-	
437	female	Poonjee - -	18	ditto - -	ditto - -	ditto - -	2	-	-	
438	male	Mundoo Kottah -	3	ditto - -	ditto - -	ditto - -	1	-	-	
439	female	Moyujjah - -	35	ditto - -	ditto - -	ditto - -	2	-	-	
440	ditto	Mottay - -	7	ditto - -	ditto - -	ditto - -	1	-	-	
441	male	Mathoo Kottah -	22	ditto - -	Kathanooroo -	ditto - -	3	-	-	
442	female	Poonjah - -	20	ditto - -	ditto - -	ditto - -	2	-	-	
443	ditto	Moyujjah - -	25	ditto - -	Haramary - -	ditto - -	2	-	-	
444	male	Appoo Kooty - -	22	ditto - -	Belloo Madoo -	ditto - -	3	-	-	
445	female	Monny - -	18	ditto - -	ditto - -	ditto - -	2	-	-	
446	male	Mundoo Kottah -	20	Manunghe Holia	Mythady - -	ditto - -	3	-	-	
447	ditto	Ikottah - -	12	- ditto - -	ditto - -	ditto - -	1	-	-	
448	female	Soobbee - -	30	- ditto - -	ditto - -	ditto - -	2	-	-	
449	ditto	Poovah - -	40	- ditto - -	ditto - -	ditto - -	2	-	-	
450	ditto	Monny - -	70	- ditto - -	ditto - -	ditto - -	2	-	-	
451	ditto	Kaulee - -	70	Kembu ty - -	Koonjalagary -	ditto - -	2	-	-	
452	ditto	Monny - -	70	ditto - -	Katha Moolooroo -	ditto - -	2	-	-	
453	male	Chemboo Kootty	7	ditto - -	Belloo Madoo -	ditto - -	1	-	-	
454	female	Moyujjee - -	40	ditto - -	ditto - -	ditto - -	2	-	-	
455	ditto	Kottoo - -	10	ditto - -	ditto - -	ditto - -	1	-	-	
456	male	Thimmoo Kottah -	25	ditto - -	Haramary - -	ditto - -	3	-	-	
457	ditto	Chathoo Kottah -	60	ditto - -	Chicka Moondooroo	ditto - -	3	-	-	
458	female	Chitty Pujjah -	40	ditto - -	- ditto - -	ditto - -	2	-	-	
459	male	Mingoo Kottah -	80	ditto - -	- ditto - -	ditto - -	3	-	-	
460	ditto	Moondda Kottah -	30	ditto - -	- ditto - -	ditto - -	3	-	-	
461	ditto	Bellee Kottah -	25	ditto - -	- ditto - -	ditto - -	3	-	-	
462	ditto	Moodda Kottah -	35	ditto - -	Hoothekary - -	ditto - -	3	-	-	
463	ditto	Murry Kottah -	40	ditto - -	Nemmalay - -	ditto - -	3	-	-	
464	ditto	Ikottah - -	14	ditto - -	ditto - -	ditto - -	3	-	-	
465	female	Kully Pujjah - -	35	ditto - -	ditto - -	ditto - -	2	-	-	
466	ditto	Mayce Pujjah - -	8	ditto - -	ditto - -	ditto - -	1	-	-	
467	male	Ikottah - -	32	ditto - -	Koothooroo - -	ditto - -	3	-	-	
468	female	Cheegoo Pujjah -	23	ditto - -	ditto - -	ditto - -	2	-	-	
469	ditto	Ummoo Pujjah -	50	ditto - -	ditto - -	ditto - -	2	-	-	
470	male	Soobboo Kottah -	55	Kootla Holia	Bellooroo - -	ditto - -	3	-	-	
471	ditto	Kaulla Kottah -	28	ditto - -	ditto - -	ditto - -	3	-	-	
472	ditto	Poorah Kottah -	14	ditto - -	ditto - -	ditto - -	3	-	-	
473	ditto	Mury Kottah - -	7	ditto - -	ditto - -	ditto - -	1	-	-	
474	male	Thassa - -	3	ditto - -	ditto - -	ditto - -	1	-	-	
475	female	Cheya Pujjah - -	45	ditto - -	ditto - -	ditto - -	2	-	-	
476	ditto	Monny Pujja - -	25	ditto - -	ditto - -	ditto - -	2	-	-	
477	ditto	Moyah Pujjah - -	45	ditto - -	ditto - -	ditto - -	2	-	-	
478	ditto	Mooke Pujjah - -	40	ditto - -	ditto - -	ditto - -	2	-	-	
479	ditto	Kaullee - -	9mo ^a	ditto - -	ditto - -	ditto - -	1	-	-	
480	male	Nunjo Kottah - -	35y ^a	ditto - -	Thavallagary -	ditto - -	3	-	-	
481	ditto	Mary Kottah - -	12	ditto - -	ditto - -	ditto - -	2	-	-	
482	ditto	Kaytha - -	5	ditto - -	ditto - -	ditto - -	1	-	-	
483	female	Nunjee Pujjah -	35	ditto - -	ditto - -	ditto - -	2	-	-	
484	ditto	Ummoo Pujjah -	55	ditto - -	ditto - -	ditto - -	2	-	-	
485	ditto	Thimmoo Pujjah -	50	ditto - -	ditto - -	ditto - -	2	-	-	
486	ditto	Ummoo - -	1	ditto - -	ditto - -	ditto - -	1	-	-	
487	ditto	Ummoo Pujjah -	40	ditto - -	ditto - -	ditto - -	2	-	-	
488	male	Bellee Moopah -	40	Haravah - -	ditto - -	ditto - -	3	-	-	
489	ditto	Voodooka - -	30	ditto - -	ditto - -	ditto - -	3	-	-	
490	ditto	Chathy - -	6mo ^a	ditto - -	ditto - -	ditto - -	1	-	-	
491	female	Vodakathy - -	20y ^a	ditto - -	ditto - -	ditto - -	2	-	-	
492	ditto	Bellay - -	50	ditto - -	ditto - -	ditto - -	2	-	-	
493	male	Pugga Moopa - -	40	ditto - -	Koottodroo - -	ditto - -	2	-	-	
494	ditto	Murjah - -	35	ditto - -	ditto - -	ditto - -	3	-	-	

(contin)

Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.			REMARKS.
						R.	a.	p.	
female	Mookey	60	Harayah	Koottodroo	labourer	2	-	-	
ditto	Joycehie	35	ditto	ditto	ditto	2	-	-	
ditto	Yeeray	25	ditto	ditto	ditto	2	-	-	
ditto	Koombay	18	ditto	ditto	ditto	2	-	-	
ditto	Kaullee	8	ditto	ditto	ditto	1	-	-	
ditto	Maray	5	ditto	ditto	ditto	1	-	-	
ditto	Chickee	3	ditto	ditto	ditto	1	-	-	
ditto	Kamby	6 m	ditto	ditto	ditto	1	-	-	
male	Hurya Moopah	50 y	ditto	Muththooroo	ditto	3	-	-	
ditto	Javanah	40	ditto	ditto	ditto	3	-	-	
ditto	Kuryah	35	ditto	ditto	ditto	3	-	-	
ditto	Mullah	10	ditto	ditto	ditto	1	-	-	
ditto	Kaullah	10	ditto	ditto	ditto	1	-	-	
female	Nimjee	40	ditto	ditto	ditto	2	-	-	
ditto	Bollay	25	ditto	ditto	ditto	2	-	-	
ditto	Kamby	25	ditto	ditto	ditto	2	-	-	
ditto	Kaullee	5	ditto	ditto	ditto	1	-	-	
ditto	Mullay	5	ditto	ditto	ditto	1	-	-	
ditto	Mookee	1	ditto	ditto	ditto	1	-	-	
male	Kurumba Moossah	75	ditto	Backay Sodlooroo	ditto	3	-	-	
ditto	Mara	30	ditto	ditto	ditto	3	-	-	
ditto	Mury	11	ditto	ditto	ditto	1	-	-	
female	Maray	50	ditto	ditto	ditto	2	-	-	
ditto	Monny	25	ditto	ditto	ditto	2	-	-	
ditto	Maray	8	ditto	ditto	ditto	1	-	-	
male	Nimjoo Kottah	30	Kembutty	Bessagooroo	ditto	3	-	-	
ditto	Vootha Kottah	25	ditto	ditto	ditto	3	-	-	
ditto	Jyoo	1	ditto	ditto	ditto	1	-	-	
female	Nimjee Pujjah	60	ditto	ditto	ditto	2	-	-	
ditto	Ummoo Pujjah	25	ditto	ditto	ditto	2	-	-	
ditto	Ummoo Pujjah	20	ditto	ditto	ditto	2	-	-	
ditto	Ummoo Pujjah	22	ditto	ditto	ditto	2	-	-	
male	Soomeo Katta	35	ditto	Heehooroo	ditto	3	-	-	
female	Koockathee	1	ditto	ditto	ditto	1	-	-	
ditto	Soobbee	1	ditto	ditto	ditto	1	-	-	
ditto	Poovah Pujjah	65	ditto	ditto	ditto	2	-	-	
male	Nimjoo Kottah	35	Koth Holia	Kottagary	ditto	3	-	-	
ditto	Ninjah	1	ditto	ditto	ditto	1	-	-	
female	Thippe Pujjah	60	ditto	ditto	ditto	2	-	-	
ditto	Cheya Pujjah	25	ditto	ditto	ditto	2	-	-	
ditto	Nimjee	3	ditto	ditto	ditto	1	-	-	
male	Kuryah Moopah	60	Harayah	Belooroo	ditto	3	-	-	
female	Thunddy	45	ditto	ditto	ditto	2	-	-	
male	Jullo Kottah	60	Kembutty	Kundungala	ditto	3	-	-	
ditto	Manoo Kottah	30	ditto	ditto	ditto	3	-	-	
ditto	Mathoo Kottah	25	ditto	ditto	ditto	3	-	-	
ditto	Thippa	15	ditto	ditto	ditto	2	-	-	
female	Chilloo Pujjah	45	ditto	ditto	ditto	2	-	-	
ditto	Poovah Pujjah	28	ditto	ditto	ditto	2	-	-	
ditto	Ummoo Pujjah	20	ditto	ditto	ditto	2	-	-	
ditto	Makao	6	ditto	ditto	ditto	1	-	-	
male	Vooththa Kottah	65	ditto	Moguttagary	ditto	3	-	-	
ditto	Iyoo	12	ditto	ditto	ditto	2	-	-	
ditto	Tholah	7	ditto	ditto	ditto	1	-	-	
female	Monny Pujjah	45	ditto	ditto	ditto	2	-	-	
ditto	Cheekoo	4	ditto	ditto	ditto	1	-	-	
ditto	Ummoo	2	ditto	ditto	ditto	1	-	-	
male	Vooththa Kottah	40	ditto	Heehooroo	ditto	3	-	-	
ditto	Soobbah	13	ditto	ditto	ditto	2	-	-	
ditto	Achoo	12	ditto	ditto	ditto	2	-	-	
female	Ummoo Pujjah	42	ditto	ditto	ditto	2	-	-	
ditto	Ponnay Pujjah	30	ditto	ditto	ditto	2	-	-	
ditto	Poovah Pujjah	20	ditto	ditto	ditto	2	-	-	
ditto	Poovah Pujjah	15	ditto	ditto	ditto	2	-	-	
ditto	Cheya	6	ditto	ditto	ditto	1	-	-	
ditto	Thimmoo Kottah	35	ditto	ditto	ditto	3	-	-	
male	Achoo Kottah	28	ditto	Settygary	ditto	3	-	-	
ditto	Vooththa Kottah	25	ditto	ditto	ditto	3	-	-	
female	Ummoo Pujjah	22	ditto	ditto	ditto	2	-	-	
male	Mundoo Kottah	36	ditto	Kodumbooroo	ditto	3	-	-	
female	Mayoo	21	ditto	ditto	ditto	2	-	-	
ditto	Mayoo	18	ditto	ditto	ditto	2	-	-	
male	Appoo	3 m	ditto	ditto	ditto	1	-	-	
ditto	Koottah	9 d	ditto	ditto	ditto	1	-	-	

AND MEASURES TAKEN FOR ITS ABOLITION.

145

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.			REMARKS.
							R.	a.	p.	
569	male	Vooththa Kottah	25 y	Kembutty	Kodumbooroo	labourer	3	-	-	
570	ditto	Mathoo	22	ditto	ditto	ditto	3	-	-	
571	ditto	Karimbah	20	ditto	ditto	ditto	3	-	-	
572	ditto	Soobboo	18	ditto	ditto	ditto	3	-	-	
573	ditto	Mathoo	15	ditto	ditto	ditto	3	-	-	
574	female	Poovah Ujjah	55	ditto	ditto	ditto	2	-	-	
575	ditto	Poovah Ujjah	20	ditto	ditto	ditto	2	-	-	
576	female	Koothoo	18	ditto	ditto	ditto	2	-	-	
577	male	Thimmoo	15	ditto	ditto	ditto	3	-	-	
578	ditto	Kauree	50	Holiah	Kaunthooroo	ditto	3	-	-	
579	ditto	Byrah	15	ditto	ditto	ditto	3	-	-	
580	female	Thiminy	35	ditto	ditto	ditto	2	-	-	
581	ditto	Singhe	15	ditto	ditto	ditto	2	-	-	
582	male	Thippa	5	ditto	ditto	ditto	1	-	-	
583	ditto	Kaullah	3 m	ditto	ditto	ditto	1	-	-	
584	ditto	ditto	20 y	ditto	ditto	ditto	3	-	-	
585	ditto	Soobbah	30	ditto	ditto	ditto	3	-	-	
586	female	Loobby	25	ditto	ditto	ditto	2	-	-	
587	ditto	Venchaty	7	ditto	ditto	ditto	1	-	-	
588	ditto	Chittay	40	ditto	ditto	ditto	2	-	-	
589	ditto	Thayec	9	ditto	ditto	ditto	1	-	-	
590	male	Lingbah	7	ditto	ditto	ditto	1	-	-	
591	ditto	Vencatah	3	ditto	ditto	ditto	1	-	-	
592	ditto	Lingha	25	ditto	Badaga	ditto	3	-	-	
593	ditto	Lingha	15	ditto	ditto	ditto	3	-	-	
594	female	Thayec	40	ditto	ditto	ditto	2	-	-	
595	male	Sunnah	40	ditto	ditto	ditto	3	-	-	
596	female	ditto	20	ditto	ditto	ditto	2	-	-	
597	ditto	Byree	7	ditto	ditto	ditto	1	-	-	
598	ditto	Umma Ujjah	30	Kembutty	ditto	ditto	2	-	-	
599	male	Barah	20	Holiah	Kaunthooroo	ditto	3	-	-	
600	female	Ammy	25	Kembutty	Ikolah	ditto	2	-	-	
601	male	Thavah	32	Holiah	Kaunthooroo	ditto	3	-	-	
602	female	Chittay	23	ditto	ditto	ditto	2	-	-	
603	male	Bommah	2	ditto	ditto	ditto	1	-	-	
604	ditto	Ramah	30	ditto	ditto	ditto	3	-	-	
605	female	Giddee	25	ditto	ditto	ditto	2	-	-	
606	male	Jeenah	45	ditto	ditto	ditto	3	-	-	
607	female	Chittay	35	ditto	ditto	ditto	2	-	-	
608	ditto	Thavy	45	ditto	ditto	ditto	2	-	-	
609	male	Nunjoo Kottah	40	Kembutty	Mootharmoody	ditto	3	-	-	
610	ditto	Achoo Kottah	12	ditto	ditto	ditto	1	-	-	
611	female	Makoo	65	ditto	ditto	ditto	2	-	-	
612	male	Ikottah	23	ditto	Badaga	ditto	3	-	-	
613	ditto	Thockah	40	Holiah	Thaygathooroo	cultivator	3	-	-	50 butties of land, and the usual proportion of tuckavy given to these.
614	female	Linghee	30	ditto	ditto	ditto	2	-	-	
615	ditto	Byree	8	ditto	ditto	ditto	1	-	-	100 butties of land and the usual proportion of tuckavy given to these.
616	ditto	Chitty	2	ditto	ditto	ditto	1	-	-	
617	male	Appoo	45	ditto	ditto	ditto	3	-	-	
618	female	Thayce	40	ditto	ditto	ditto	2	-	-	
619	male	Poottah	11	ditto	ditto	ditto	1	-	-	
620	ditto	Nunjah	30	ditto	ditto	ditto	3	-	-	50 butties of land, and the usual proportion of tuckavy given to these.
621	ditto	Byrah	28	ditto	ditto	ditto	3	-	-	70 butties of land, and the usual proportion of tuckavy given to these.
622	female	Chennah	25	ditto	ditto	ditto	2	-	-	
623	male	Thayoo	55	Paulay	Maravoodoo	labourer	3	-	-	
624	female	Ramie	28	ditto	ditto	ditto	2	-	-	
625	male	Soobbah	4	ditto	ditto	ditto	1	-	-	
626	female	Ummie	35	Holiah	Kuttay Madoo	ditto	2	-	-	
627	male	Rimgah	2	ditto	ditto	ditto	1	-	-	
628	ditto	Sobbah	50	ditto	Bettagary	cultivator	3	-	-	200 butties of land, and the usual proportion of tuckavy given to these.
629	ditto	Luckah	22	ditto	ditto	ditto	3	-	-	
630	ditto	Chennah	18	ditto	ditto	ditto	3	-	-	
631	female	Thame	30	ditto	ditto	ditto	2	-	-	
632	ditto	Paurvathee	60	ditto	ditto	ditto	2	-	-	
633	male	Byrah	28	ditto	ditto	ditto	3	-	-	100 butties of land and the usual proportion of tuckavy given to these.
634	ditto	Eddah	24	ditto	ditto	ditto	3	-	-	
635	female	Kaullee	18	ditto	ditto	ditto	2	-	-	

(continued)

Serials.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.			REMARKS.
							R.	a.	p.	
1	male	Maythoo	35	Holiah	Poloogoole	cultivator	3	-	-	100 butties of land, and the usual proportion of tuckavy given to these.
2	ditto	Jogee	30	ditto	ditto	ditto	3	-	-	
3	female	Byree	65	ditto	ditto	ditto	2	-	-	
4	ditto	Bussavy	12	ditto	ditto	ditto	1	-	-	
5	ditto	Thayee	9	ditto	ditto	ditto	1	-	-	
6	ditto	Byree	7	ditto	ditto	ditto	1	-	-	
7	male	Byrah	3	ditto	ditto	ditto	1	-	-	
8	ditto	Kaullah	30	ditto	Bettagary	ditto	3	-	-	
9	female	Thayee	25	ditto	ditto	ditto	2	-	-	
10	ditto	Yelly	9	ditto	ditto	ditto	1	-	-	
11	ditto	Kaullee	4m	ditto	ditto	ditto	1	-	-	90 butties of land, and the usual proportion of tuckavy given to these.
12	male	Chicka	18 y	ditto	Ooloogoolee	labourer	3	-	-	
13	ditto	Thippah	35	ditto	ditto	ditto	3	-	-	
14	female	Yeeree	20	ditto	ditto	ditto	2	-	-	
15	ditto	Thayee	18	ditto	ditto	ditto	2	-	-	
16	male	Suththa	60	ditto	ditto	ditto	3	-	-	
17	ditto	Vurtha	40	ditto	Bettagary	cultivator	3	-	-	
18	female	Thanee	25	ditto	ditto	ditto	2	-	-	
19	male	Appoo	50	ditto	Muckundooroo	ditto	3	-	-	
20	female	Byree	25	ditto	ditto	ditto	2	-	-	55 butties of land, and the usual proportion of tuckavy given to these.
21	ditto	Motty	60	ditto	ditto	ditto	2	-	-	
22	male	Thippah	17	ditto	ditto	ditto	3	-	-	
23	ditto	Soobbah	60	ditto	ditto	ditto	3	-	-	
24	female	Byree	40	ditto	ditto	ditto	2	-	-	
25	ditto	Mayoo	12	ditto	ditto	ditto	1	-	-	
26	male	Soomoo	8	ditto	ditto	ditto	1	-	-	
27	female	Somoo	30	ditto	ditto	ditto	2	-	-	
28	male	Byroo	70	ditto	ditto	ditto	3	-	-	63 1/2 butties of land, and the usual proportion of tuckavy given to these.
29	female	Kootoo	55	ditto	ditto	ditto	2	-	-	
30	male	Sunnah	30	ditto	ditto	ditto	3	-	-	
31	ditto	Byroo	40	ditto	ditto	ditto	3	-	-	
32	female	Singee	25	ditto	ditto	ditto	2	-	-	
33	ditto	Soobbee	30	ditto	ditto	ditto	2	-	-	
34	male	Thodda	7	ditto	ditto	ditto	1	-	-	
35	ditto	Bommah	6	ditto	ditto	ditto	1	-	-	
36	female	Kootoo	3	ditto	ditto	ditto	1	-	-	
37	male	Lingah	1	ditto	ditto	ditto	1	-	-	98 1/2 butties of land, and the usual proportion of tuckavy given to these.
38	female	Sunnay	25	ditto	ditto	ditto	2	-	-	
39	male	Kaullah	3	ditto	ditto	ditto	1	-	-	
40	ditto	Yeerah	1	ditto	ditto	ditto	1	-	-	
41	ditto	Kaulla	30	ditto	ditto	ditto	3	-	-	
42	ditto	Thavah	20	ditto	ditto	ditto	3	-	-	
43	ditto	Munjah	9	ditto	ditto	ditto	1	-	-	
44	ditto	Byrah	4	ditto	ditto	ditto	1	-	-	
45	female	Kaullee	7	ditto	ditto	ditto	1	-	-	
46	male	Yeerah	40	ditto	ditto	ditto	3	-	-	90 butties of land, and the usual proportion of tuckavy given to these.
47	female	ditto	60	ditto	ditto	ditto	2	-	-	
48	ditto	Byree	30	ditto	ditto	ditto	2	-	-	
49	ditto	Linghie	25	ditto	ditto	ditto	2	-	-	
50	female	Bussary	25	ditto	ditto	ditto	2	-	-	
51	ditto	Thippece	4	ditto	ditto	ditto	1	-	-	
52	ditto	Sunnay	1	ditto	ditto	ditto	1	-	-	
53	male	Lingah	35	ditto	ditto	ditto	3	-	-	
54	female	Byree	25	ditto	ditto	ditto	2	-	-	
55	male	Yeerah	8	ditto	ditto	ditto	1	-	-	50 butties of land, and the usual proportion of tuckavy given to these.
56	female	Lingee	10	ditto	ditto	ditto	1	-	-	
57	ditto	Yeeree	3	ditto	ditto	ditto	1	-	-	
58	male	Bolloo	35	ditto	ditto	ditto	3	-	-	
59	female	Thippece	20	ditto	ditto	ditto	2	-	-	
60	ditto	Chimny	50	ditto	ditto	ditto	3	-	-	
61	male	Kenchee	40	ditto	ditto	ditto	2	-	-	
62	female	Lingah	29	ditto	ditto	ditto	3	-	-	
63	ditto	Mury	30	ditto	ditto	ditto	3	-	-	75 butties of land, and the usual proportion of tuckavy given to these.
64	female	Thayee	25	ditto	ditto	ditto	2	-	-	
65	male	Kurryah	8m	ditto	ditto	ditto	1	-	-	

AND MEASURES TAKEN FOR ITS ABOLITION.

Number of Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
701	male	Byrah	35 y ^r	Holiah	Muckundooroo	cultivator	3 - -	45 butties of land and the usual portion of tuckav given to these.
702	female	Byree	25	ditto	ditto	ditto	2 - -	
703	ditto	Thippee	8	ditto	ditto	ditto	1 - -	
704	male	Thavah	5	ditto	ditto	ditto	1 - -	
705	female	Byree	3	ditto	ditto	ditto	1 - -	
706	male	Jogee	60	ditto	ditto	labourer	3 - -	
707	female	Byree	9	ditto	ditto	ditto	1 - -	
708	ditto	Luckoo	3	ditto	ditto	ditto	1 - -	
709	ditto	Chinny	4	ditto	ditto	ditto	1 - -	
710	male	Goondah	20	ditto	ditto	ditto	3 - -	
711	female	Soobbee	20	ditto	ditto	ditto	2 - -	
712	ditto	Machce	22	ditto	Kodagathaloo	ditto	2 - -	
713	male	Ycerah	25	ditto	ditto	ditto	3 - -	
714	female	Thayee	23	ditto	ditto	ditto	2 - -	
715	ditto	Thayee	25	ditto	ditto	ditto	2 - -	
716	ditto	Yeerce	18	ditto	ditto	ditto	2 - -	
717	ditto	Hoollee	15	ditto	ditto	ditto	2 - -	
718	ditto	Kitty	7 m ^r	ditto	ditto	ditto	2 - -	
719	male	Sunnah	25 y ^r	ditto	Kathakooloo	ditto	3 - -	
720	female	Soobbee	50	ditto	ditto	ditto	2 - -	
721	ditto	Thoommy	18	ditto	ditto	ditto	2 - -	
722	ditto	Byree	6	ditto	ditto	ditto	1 - -	
723	male	Byrah	3	ditto	ditto	ditto	1 - -	
724	female	Linghee	30	ditto	Ibbenevolavady	ditto	2 - -	
725	ditto	Bussavy	35	ditto	ditto	ditto	2 - -	
726	ditto	Kooltoo	40	ditto	Kodagathaloo	ditto	2 - -	
727	ditto	Yeerce	8	ditto	ditto	ditto	1 - -	
728	male	Koontha Thimmah	22	ditto	ditto	ditto	3 - -	
729	female	Thiumee	18	ditto	ditto	ditto	2 - -	
730	ditto	Thippee	35	ditto	ditto	ditto	2 - -	
731	male	Lingah	15	ditto	ditto	ditto	3 - -	
732	ditto	Soobbah	2	ditto	ditto	ditto	1 - -	
733	female	Linghee	15	ditto	ditto	ditto	2 - -	
734	ditto	Uckoo	16	ditto	ditto	ditto	2 - -	
735	ditto	Belly	4	ditto	ditto	ditto	1 - -	
736	male	Sunnah	30	ditto	ditto	ditto	3 - -	
737	ditto	Kaullah	40	ditto	ditto	ditto	3 - -	
738	female	Yeerce	30	ditto	ditto	ditto	2 - -	
739	male	Yerah	7	ditto	ditto	ditto	1 - -	
740	female	Mathee	7	ditto	ditto	ditto	1 - -	
741	ditto	Umballay	25	ditto	ditto	ditto	2 - -	
742	male	Thippah	3	ditto	ditto	ditto	1 - -	
743	female	Koollee	1	ditto	ditto	ditto	1 - -	
744	male	Bolloo	40	Kembutty	ditto	ditto	3 - -	
745	female	Soobbee	6	ditto	ditto	ditto	1 - -	
746	male	Achoo	2	ditto	ditto	ditto	1 - -	
747	ditto	Chinnee	38	ditto	Kuggodloo	ditto	3 - -	
748	female	Somoo	25	ditto	ditto	ditto	2 - -	
749	male	Lingah	70	ditto	ditto	ditto	3 - -	
750	ditto	Jyoo	6	ditto	ditto	ditto	1 - -	
751	ditto	Mathoo	7 m ^r	ditto	ditto	ditto	1 - -	
752	female	Thungoo	22 y ^s	ditto	ditto	ditto	2 - -	
753	ditto	Munjee	3	ditto	ditto	ditto	1 - -	
754	ditto	Ummee	7	ditto	ditto	ditto	1 - -	
755	male	Thoddah Appoo	35	ditto	ditto	ditto	3 - -	
756	female	Mundee	25	ditto	ditto	ditto	2 - -	
757	male	Jyoo	4	ditto	ditto	ditto	1 - -	
758	ditto	Soobbah	2	ditto	ditto	ditto	1 - -	
759	ditto	Sunnah Appoo	18	ditto	ditto	ditto	3 - -	
760	ditto	Bellee	35	ditto	ditto	ditto	2 - -	
761	female	Ummee	26	ditto	ditto	ditto	2 - -	
762	male	Theerookoo	25	Holiah	ditto	ditto	3 - -	
763	female	Chavoody	20	ditto	ditto	ditto	2 - -	
764	male	Byrah	28	ditto	Kautigary	ditto	3 - -	
765	female	Linghee	55	ditto	ditto	ditto	2 - -	
766	ditto	Chittay	20	ditto	ditto	ditto	2 - -	
767	ditto	Byree	18	ditto	ditto	ditto	2 - -	
768	ditto	Kaullee	4 m ^r	ditto	ditto	ditto	1 - -	
769	ditto	Linghee	30 y ^r	ditto	ditto	ditto	2 - -	
770	male	Soobbah	28	ditto	Balighary	ditto	3 - -	
771	ditto	Mandoo	26	ditto	ditto	ditto	3 - -	
772	ditto	Sunnah	27	ditto	ditto	ditto	3 - -	
773	ditto	Byrah	20	ditto	ditto	ditto	3 - -	
774	ditto	Thoddah	10	ditto	ditto	ditto	1 - -	

(continued)

CORRESPONDENCE ON THE SLAVE TRADE.

Number of Confession.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
775	male	Mauchao -	4	Holiah -	Balighary -	labourer -	1 - -	
776	female	Sunnay -	40	ditto -	ditto -	ditto -	2 - -	
777	ditto	Sunnay -	20	ditto -	ditto -	ditto -	2 - -	
778	male	Kaullah -	70	ditto -	Mauthay -	ditto -	3 - -	
779	ditto	Soobbah -	20	ditto -	ditto -	ditto -	3 - -	
780	ditto	Byrah -	7	ditto -	ditto -	ditto -	1 - -	
781	ditto	Thayraga -	6	ditto -	ditto -	ditto -	1 - -	
782	female	Siddee -	50	ditto -	ditto -	ditto -	2 - -	
783	ditto	Chittay -	35	ditto -	ditto -	ditto -	2 - -	
783	ditto	Chitty -	35	ditto -	ditto -	ditto -	2 - -	
784	ditto	Uckoo -	12	ditto -	ditto -	ditto -	1 - -	
785	ditto	Luchnee -	15	ditto -	ditto -	ditto -	2 - -	
786	male	Oollah -	60	ditto -	ditto -	ditto -	3 - -	
787	ditto	Pooppah -	14	ditto -	ditto -	ditto -	3 - -	
788	ditto	Buthlah -	18	ditto -	ditto -	ditto -	3 - -	
789	female	Luckee -	45	ditto -	ditto -	ditto -	2 - -	
790	ditto	Subbee -	18	ditto -	ditto -	ditto -	2 - -	
791	male	Yeerah -	30	ditto -	ditto -	ditto -	3 - -	
792	ditto	Byrah -	7	ditto -	ditto -	ditto -	1 - -	
793	ditto	Chicka Byrah -	1	ditto -	ditto -	ditto -	1 - -	
794	female	Soobbee -	25	ditto -	ditto -	ditto -	2 - -	
795	ditto	Byree -	7	ditto -	ditto -	ditto -	1 - -	
796	ditto	Mausthee -	6	ditto -	ditto -	ditto -	1 - -	
797	ditto	Luckee -	10 d	ditto -	ditto -	ditto -	1 - -	
798	male	Soobbah -	28 y	ditto -	ditto -	ditto -	3 - -	
799	ditto	Byrah -	20	ditto -	ditto -	ditto -	3 - -	
800	female	Luckee -	20	ditto -	ditto -	ditto -	2 - -	
801	male	Eddah -	8	ditto -	ditto -	ditto -	1 - -	
802	ditto	Kavagadec -	36	ditto -	ditto -	ditto -	3 - -	
803	ditto	Luchma -	15	ditto -	ditto -	ditto -	3 - -	
804	female	Yeerce -	35	ditto -	ditto -	ditto -	2 - -	
805	ditto	Chickee -	40	ditto -	ditto -	ditto -	2 - -	
806	ditto	Thippee -	60	ditto -	ditto -	ditto -	2 - -	
807	ditto	Barce -	28	ditto -	ditto -	ditto -	2 - -	
808	ditto	Siddee -	25	ditto -	Balighary -	ditto -	2 - -	
809	male	Pootrah -	35	ditto -	Halary -	cultivator -	3 - -	100 butties of land, and the usual proportion of tuckavy given to these.
810	female	Siddee -	1	ditto -	ditto -	ditto -	1 - -	
811	ditto	Linghe -	25	ditto -	ditto -	ditto -	2 - -	
812	male	Giddah Byrah -	40	ditto -	ditto -	ditto -	3 - -	50 butties of land, and the usual pro- portion of tuckavy given to these.
813	ditto	Bollah -	45	ditto -	ditto -	ditto -	3 - -	
814	ditto	Chennah -	4	ditto -	ditto -	ditto -	1 - -	
815	ditto	Soobbah -	3	ditto -	ditto -	ditto -	1 - -	
816	female	Linghe -	25	ditto -	ditto -	ditto -	2 - -	
817	ditto	Byree -	30	ditto -	ditto -	ditto -	2 - -	
818	ditto	Chenny -	5	ditto -	ditto -	ditto -	1 - -	100 butties of land, and the usual proportion of tuckavy given to these.
819	ditto	Yeerce -	4	ditto -	ditto -	ditto -	1 - -	
820	ditto	Chenny -	1	ditto -	ditto -	ditto -	1 - -	
821	ditto	Byree -	60	ditto -	ditto -	ditto -	2 - -	
822	male	Koontah -	30	ditto -	ditto -	labourer -	3 - -	
823	female	Byree -	20	ditto -	ditto -	ditto -	2 - -	
824	male	Koollah -	22	ditto -	ditto -	cultivator -	3 - -	
825	ditto	Maytha -	24	ditto -	ditto -	ditto -	3 - -	
826	ditto	Kuryah -	13	ditto -	ditto -	ditto -	3 - -	
827	female	Byree -	16	ditto -	ditto -	ditto -	2 - -	
828	male	Thippah -	40	ditto -	ditto -	ditto -	2 - -	
829	ditto	Yeerah -	25	ditto -	ditto -	ditto -	3 - -	
830	ditto	Siddah -	1	ditto -	ditto -	ditto -	1 - -	
831	female	Murythavee -	20	ditto -	ditto -	ditto -	2 - -	
832	ditto	Byree -	18	ditto -	ditto -	ditto -	2 - -	
833	male	Thommah -	55	ditto -	ditto -	labourer -	3 - -	
834	ditto	Kuryah -	5	ditto -	ditto -	ditto -	1 - -	
835	female	Pootty -	42	ditto -	ditto -	ditto -	2 - -	
836	male	Jelloo -	35	ditto -	ditto -	ditto -	3 - -	
837	ditto	Chavooda -	7	ditto -	ditto -	ditto -	1 - -	
838	ditto	Thavagah -	2	ditto -	ditto -	ditto -	1 - -	
839	female	Tharee -	30	ditto -	ditto -	ditto -	2 - -	
840	ditto	Yelly -	4	ditto -	ditto -	ditto -	2 - -	
841	male	Byrah -	20	ditto -	ditto -	ditto -	3 - -	
842	female	Anoome -	40	ditto -	ditto -	ditto -	2 - -	
843	male	Lingha -	30	ditto -	ditto -	ditto -	3 - -	
844	female	Googre -	20	ditto -	ditto -	ditto -	2 - -	
845	ditto	Yeerce -	30	ditto -	ditto -	ditto -	2 - -	

AND MEASURES TAKEN FOR ITS ABOLITION.

449

Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
6	male	Byrah	5	Holiah	Halary	labourer	1 - -	
7	ditto	Bellee	40	Haravah	ditto	ditto	3 - -	
8	ditto	Bolloopah	4	ditto	ditto	ditto	1 - -	
9	female	Koorce	25	ditto	ditto	ditto	2 - -	
10	male	Karmbah	42	ditto	ditto	ditto	3 - -	
11	ditto	Kurpah	7	ditto	ditto	ditto	1 - -	
12	ditto	Arkah	12	ditto	ditto	ditto	1 - -	
13	female	Kanday	22	ditto	ditto	ditto	2 - -	
14	ditto	Kaullee	25	ditto	ditto	ditto	2 - -	
15	male	Balliah	30	ditto	ditto	ditto	3 - -	
16	ditto	Nuddah	4	ditto	ditto	ditto	1 - -	
17	ditto	Kollumbah	3	ditto	ditto	ditto	1 - -	
18	female	Koorce	25	ditto	ditto	ditto	2 - -	
19	ditto	Kurtha	1	ditto	ditto	ditto	1 - -	
20	male	Kauvalah	35	ditto	ditto	ditto	3 - -	
21	ditto	Chanmah	40	ditto	ditto	ditto	3 - -	
22	ditto	Kariah	3	ditto	ditto	ditto	1 - -	
23	female	Moyee	29	ditto	ditto	ditto	2 - -	
24	ditto	Keeray	30	ditto	ditto	ditto	2 - -	
25	ditto	Sunnay	60	ditto	ditto	ditto	2 - -	
26	ditto	Munjee	3	ditto	ditto	ditto	1 - -	
27	male	Nunjah	40	ditto	ditto	ditto	3 - -	
28	female	Nunjee	31	ditto	ditto	ditto	2 - -	
29	male	Moollah	25	ditto	ditto	ditto	3 - -	
30	ditto	Chaurhee	60	ditto	ditto	ditto	3 - -	
31	female	Kambee	15	ditto	ditto	ditto	2 - -	
32	ditto	Sunnay	2	ditto	ditto	ditto	1 - -	
33	ditto	Thungah	20	ditto	ditto	ditto	2 - -	
34	male	Kauree	40	ditto	ditto	ditto	3 - -	
35	female	Kaurree	25	ditto	ditto	ditto	2 - -	
36	ditto	Mankay	42	ditto	ditto	ditto	2 - -	
37	ditto	Checkoo	5	ditto	ditto	ditto	1 - -	
38	male	Bollah	25	ditto	ditto	ditto	3 - -	
39	female	Punnay	19	ditto	ditto	ditto	2 - -	
40	ditto	Nungay	2	ditto	ditto	ditto	1 - -	
41	male	Bollah	60	ditto	ditto	ditto	3 - -	
42	female	Simnay	52	ditto	ditto	ditto	2 - -	
43	ditto	Kaullee	4	ditto	ditto	ditto	1 - -	
44	ditto	Chauthay	25	ditto	ditto	ditto	2 - -	
45	ditto	Pauchay	30	ditto	ditto	ditto	2 - -	
46	ditto	Unmee	42	ditto	ditto	ditto	2 - -	
47	ditto	Loonday	3	ditto	ditto	ditto	1 - -	
48	male	Naugah	8	ditto	ditto	ditto	1 - -	
49	ditto	Maurah	6	ditto	ditto	ditto	1 - -	
50	ditto	Chumbah	3	ditto	ditto	ditto	1 - -	
51	ditto	Ballah	4	ditto	ditto	ditto	1 - -	
52	female	Vonathee	25	ditto	ditto	ditto	2 - -	
53	ditto	Nankay	7	ditto	ditto	ditto	1 - -	
54	ditto	Pootty	5	ditto	ditto	ditto	1 - -	
55	male	Chungarah	70	ditto	ditto	ditto	3 - -	
56	female	Munnay	55	ditto	ditto	ditto	2 - -	
57	male	Pankah	55	ditto	ditto	ditto	3 - -	
58	female	Munnay	40	ditto	ditto	ditto	2 - -	
59	ditto	Kaimluc	4	ditto	ditto	ditto	1 - -	
60	male	Bolookah	5	ditto	ditto	ditto	1 - -	
61	ditto	Kalamay	20	ditto	ditto	ditto	3 - -	
62	ditto	Koottah	55	ditto	ditto	ditto	3 - -	
63	ditto	Koonthay Byrah	40	Holiah	Ebbuttagary	cultivator	3 - -	
64	ditto	Byrah	21	ditto	ditto	ditto	3 - -	
65	ditto	Lingah	20	ditto	ditto	ditto	3 - -	
66	female	Naugah	10	ditto	ditto	ditto	1 - -	
67	ditto	Kempee	30	ditto	ditto	ditto	2 - -	
68	ditto	Chitty	18	ditto	ditto	ditto	2 - -	
69	male	Mautha	1	ditto	ditto	ditto	1 - -	
70	female	Bachee	8	ditto	ditto	ditto	1 - -	
71	ditto	Yeeree	5	ditto	ditto	ditto	1 - -	
72	male	Kurrumbah	35	ditto	Mercara	labourer	3 - -	
73	female	Vurthee	25	ditto	ditto	ditto	2 - -	
74	ditto	Baulee	20	ditto	ditto	ditto	2 - -	
75	male	Laudao	7	ditto	ditto	ditto	1 - -	
76	ditto	Subbah	7	ditto	ditto	ditto	1 - -	
77	ditto	Kariah	50	ditto	Kurvalay	cultivator	3 - -	
78	ditto	Byrah	24	ditto	ditto	ditto	3 - -	
79	female	Uckoo	40	ditto	ditto	ditto	2 - -	
80	ditto	Yeeree	20	ditto	ditto	ditto	2 - -	

70 butties of land, and the usual proportion of tuckavy given to these.

60 butties of land, and the usual proportion of tuckavy given to these.
(continued)

Certificate.	Male or Female.	NAMES.	Age.	CASTE.	Names of Villages where Residing.	Present Occupation.	Amount of Donation to enable them to provide Necessary.	REMARKS.
							R. a. p.	
54	female	Kommah -	40	Holiah -	Higgodloo -	cultivator -	3 - -	50 butties of land, and the usual proportion of tuckavy given to these.
55	ditto	Beerah -	16	ditto -	ditto -	ditto -	3 - -	
56	ditto	Ramah -	15	ditto -	ditto -	ditto -	3 - -	
57	ditto	Kenchee -	35	ditto -	ditto -	ditto -	2 - -	
58	ditto	Subbee -	55	ditto -	ditto -	ditto -	3 - -	
59	male	Soobbah -	25	ditto -	ditto -	labourer -	3 - -	100 butties of land, and the usual proportion of tuckavy given to these.
60	ditto	Siddah -	4	ditto -	ditto -	ditto -	1 - -	
61	female	Linghe -	20	ditto -	ditto -	ditto -	2 - -	
62	male	Pootah -	30	ditto -	Jumbooroo -	cultivator -	3 - -	
63	ditto	Byrah -	5	ditto -	ditto -	ditto -	1 - -	
64	ditto	Thayvah -	18	ditto -	ditto -	ditto -	1 - -	
65	female	Byree -	25	ditto -	ditto -	ditto -	2 - -	
66	ditto	Linghe -	8	ditto -	ditto -	ditto -	1 - -	
67	ditto	Naudy -	50	ditto -	ditto -	ditto -	2 - -	
68	ditto	Hookay -	28	ditto -	ditto -	ditto -	2 - -	
69	male	Thaussah -	50	ditto -	ditto -	labourer -	3 - -	50 butties of land, and the usual proportion of tuckavy given to these.
70	ditto	Thimmah -	24	ditto -	ditto -	ditto -	3 - -	
71	ditto	Venchatah -	3	ditto -	ditto -	ditto -	- - -	
72	female	Chittay -	25	ditto -	ditto -	ditto -	- - -	
73	ditto	Byree -	20	ditto -	ditto -	ditto -	2 - -	
74	male	Byrah -	25	ditto -	Gurvalay -	cultivator -	3 - -	
75	female	Kaullee -	20	ditto -	ditto -	ditto -	2 - -	
76	ditto	Luckee -	18	ditto -	ditto -	ditto -	1 - -	
77	ditto	Byree -	6m	ditto -	ditto -	ditto -	1 - -	
78	ditto	Hoochee -	20y	ditto -	ditto -	ditto -	- - -	
79	ditto	Byree -	50	ditto -	Belegary -	labourer -	2 - -	100 butties of land, and the usual proportion of tuckavy given to these.
80	ditto	Byree -	15	ditto -	ditto -	ditto -	2 - -	
81	ditto	Byree -	9	ditto -	ditto -	ditto -	1 - -	
82	male	Subbah -	22	ditto -	Kurakully -	cultivator -	3 - -	
83	ditto	Yeerah -	18	ditto -	ditto -	ditto -	3 - -	
84	female	Byree -	18	ditto -	ditto -	ditto -	2 - -	
85	ditto	Buddree -	50	ditto -	ditto -	ditto -	2 - -	
86	ditto	Hupree -	60	ditto -	ditto -	ditto -	2 - -	
87	ditto	Gouree -	15	ditto -	ditto -	ditto -	2 - -	
88	ditto	Pooty -	24	ditto -	ditto -	ditto -	2 - -	
89	male	Kuryah -	60	ditto -	ditto -	labourer -	3 - -	TOTAL Company's Rupees, Two Thousand Two Hundred and Thirty-eight
90	ditto	Oollah -	40	ditto -	ditto -	ditto -	3 - -	
91	ditto	Umlumdy -	35	Gooday Mogla -	Kuriah -	ditto -	3 - -	
92	female	Cheerthay -	30	ditto -	ditto -	ditto -	2 - -	
93	ditto	Kummandathee -	20	ditto -	ditto -	ditto -	2 - -	
94	ditto	Koombay -	25	ditto -	ditto -	ditto -	2 - -	
95	male	Chumbah -	6	ditto -	ditto -	ditto -	1 - -	
96	ditto	Paulay -	4	ditto -	ditto -	ditto -	1 - -	
97	female	Koombay -	7	ditto -	ditto -	ditto -	1 - -	
98	male	Motharee -	25	ditto -	ditto -	ditto -	3 - -	
99	female	Kirthay -	20	ditto -	ditto -	ditto -	2 - -	100 butties of land, and the usual proportion of tuckavy given to these.
100	ditto	Parayee -	5	ditto -	ditto -	ditto -	1 - -	
101	male	Channay -	45	ditto -	ditto -	ditto -	3 - -	
102	female	Pooturchee -	50	ditto -	ditto -	ditto -	2 - -	
103	ditto	Thoonday -	60	ditto -	ditto -	ditto -	2 - -	
104	ditto	Chirthay -	8	Godaj Moylah -	Kurikay -	ditto -	1 - -	
105	ditto	Kaurichee -	25	ditto -	Chemboo -	ditto -	2 - -	
106	male	Kooncka -	4	ditto -	ditto -	ditto -	1 - -	
107	female	Balathan -	8	ditto -	ditto -	ditto -	1 - -	
108	ditto	Thoonday -	3	ditto -	ditto -	ditto -	1 - -	
109	ditto	Ithay -	45	Mariah Holia -	Belagary -	ditto -	2 - -	TOTAL Company's Rupees, Two Thousand Two Hundred and Thirty-eight
110	ditto	Koockauroo -	2	ditto -	ditto -	ditto -	1 - -	
111	male	Koockan -	1m th	ditto -	ditto -	ditto -	1 - -	
112	female	Ungoo -	10y ⁸	ditto -	ditto -	ditto -	1 - -	
113	male	Polay -	20	ditto -	ditto -	ditto -	2 - -	
114	female	Poly -	20	ditto -	ditto -	ditto -	2 - -	TOTAL Company's Rupees, Two Thousand Two Hundred and Thirty-eight
115	ditto	Bellachee -	7	ditto -	ditto -	ditto -	1 - -	
TOTAL Company's Rupees, Two Thousand Two Hundred and Thirty-eight							2,238 - -	

Superintendent's Office, in Coorg, }
1 May 1836.

(signed)

C. F. Le Hardy, Superintendent.
M. Cubbon, Commissioner.

Ordered, that the following Letter be written to Lieutenant-colonel Cubbon,
from the Secretary to Government of India.

To Lieutenant-colonel M. Cubbon, Commissioner in Coorg, dated 15th Sept. 1838.

(Political Department.)

Sir,

I AM directed by the Honourable the President in Council to acknowledge the receipt of your letter, dated the 29th June last, submitting a list, with a detailed statement of the expenses attendant on the emancipation of the Pun-nay slaves.

2. In reply, I am desired to acquaint you that his Honour in Council is happy to receive this report of the emancipation of the slaves in question, and sanctions the expenses incurred on that account as specified in the list which accompanied your letter.

I have, &c.

Fort William,
5 September 1838.

(signed) H. T. Prinsep,
Secy to Govt of India.

Ordered, that a copy of the foregoing correspondence with Lieut.-colonel Cubbon be sent to the civil auditor, for his information.

EXTRACT LETTER from the Superintendent of Coorg to the Commissioner,
dated 14 August 1839.

17. I HAVE much pleasure in stating, that I have not heard a single instance of any of the individuals who were emancipated from slavery at the beginning of last year having misconducted themselves, as it was at first apprehended they would do. Indeed, as far as I can judge from what has fallen under my own observation, I have every reason to believe that they are remarkably quiet, well-behaved, industrious people. A number have continued in the service of the ryots to whom they were formerly attached; but it will be observed, under the head of "house tax," in the accompanying memorandum, that 383 families of them have, during the past season, established themselves as independent labourers. Between 50 and 60 families cultivated on their own account small patches of land.

— No. 7. —

B O M B A Y.

SLAVE TRADE in the *Persian Gulf*; Traffic in Slaves carried on by Vessels from the *Arabian Coast* and the *Persian Gulf* trading with *Bombay*; Treaties with the principal *Arab* States in the Gulf for the Suppression of the Slave Trade.

IMPORTATION OF SLAVES from the Coast of *Africa* into *Cutch*, and the *Portuguese* Ports of *Demaun* and *Dieu*.

No. 7.
BOMBAY.

EXTRACT LEGISLATIVE LETTER from *India*, dated 16 April (No 7) 1838.

Slave Trade on the
Malabar coast.

Leg. Cons.
11 Dec. 1837,
Nos. 21 & 22.

Para. 21. THE accompanying papers received from the government of Bombay are elucidatory of the draft of a proposed Act, having for its object the suppression of the traffic in slaves, which is supposed to be carried on to a considerable extent in the ports upon the Malabar coast. We refrain at present from any detailed notice of the subject, having requested the Law Commissioners to put the proposed Act into proper form, previous to our taking it into consideration.

EXTRACT LEGISLATIVE LETTER from *India*, dated 19 November (No. 19) 1838.

Bombay
Slave Trade.

Leg. Cons.
23 April 1838,
Nos. 11 & 12,
3 Sept. 1838,
Nos. 9 to 16.

Para. 103. IN continuation of the reference made to the Law Commissioners, as reported in para. 21 of our despatch, No. 7 (16th April) of 1838, we forwarded to that body, copy of a further correspondence with the government of Bombay, relative to three slave boys taken out of two vessels at Judda, under English colours, by Acting-commander Rogers of the Honourable Company's brig of war Euphrates.

104. The three boys having been provided for under the instructions of the local government, the Acting-commander solicited instructions as to how he should act on falling in with ships under English colours, which might have slaves on board.

105. The advocate-general at Bombay, Mr. Le Messurier, who was consulted on the subject, stated, that pending the enactment by us of the proposed law for the suppression of the traffic in slaves, he would not recommend the commander of any of the Company's vessels acting in the search or seizure of slaves. Mr. Le Messurier was of opinion that "the British Legislature, by omitting to give the power of seizure to authorities in India under the Company, seemed to have proceeded on some ground of policy in so doing, especially as, by the late Charter Act, it had expressly recognised and sanctioned the existence and continuance of slavery within the British territories in India."

106. In this latter opinion, the late Right honourable the Governor could not concur. His honour observed, that "slavery" and a "trade in slaves" were two very distinct things, and that the toleration which, for a season, the Charter Act, extended to the former, implied no sanction whatever of the latter.

107. Instructions, in conformity with Mr. Le Messurier's opinion on the subject of the legal power of the commanders of Company's vessels, were, however, issued by the Bombay government to the superintendent of the Indian navy.

108. Having recalled the papers from the office of the Law Commissioners, we considered it necessary, for the better execution of the penal provisions of the English statute 5 Geo. 4, c. 113, for the abolition of the slave trade, to enact some

some new provisions respecting the persons authorised to carry the said statute into execution, by making seizures and otherwise within the limits of the Honourable East India Company's Charter, and, for this purpose, we read the draft of an Act prepared by our colleague, Mr. Amos.

109. Mr. Amos, in submitting the draft, observed, that the principal points to be considered were, first, whether the 43d section of the statute comprehended all the persons whom it was considered desirable to entrust with the seizure of slave ships at Bombay; secondly, whether there was any inconvenience in extending the list, as in the proposed Act; and, lastly, whether there was any ambiguity in the designation of the persons to whom the power of seizure was proposed to be extended.

110. Before publishing the draft, we forwarded it for the opinion of the Right honourable the Governor-general.

111. His Lordship stated, that he would hesitate before proceeding to legislate on this very difficult and delicate subject, and wished to obtain further information as to the necessity and expediency of the proposed provisions.

112. The particular cases adduced by the Bombay government to show the necessity of any such Act, were considered exceedingly weak; and before legislating with a view to the suppression of the traffic, the Governor-general desired to know whether such traffic was actually carried on at the ports within the Company's territories. On this point his Lordship proposed that the Bombay government should be requested to furnish further particulars, as also to state all the instances that might have occurred of the discovery of such traffic.

113. His Lordship apprehended that the Supreme Government could not legislate either for the ports of independent princes, or for the high seas, and that it is only competent to the Governor-general in Council to legislate for places within the Company's territories; but, on this point, he proposed that a reference should be made to the advocate-general at this presidency, for his opinion.

114. His Lordship thought that the Bombay government should also be requested to state whether in their opinion it would be sufficient and efficacious as a remedy, if the power proposed to be conferred by the Act were limited to seizures on shore before the imported slaves were removed to the interior; and, still more, whether the object in view would be completely attained if the power were extended to harbours.

115. There was one point to which, as being very important, his Lordship drew our attention. The Act, stated his Lordship, was designed to guard against traffic in slaves; but he apprehended that, as then worded, it might be construed to mean that an Arab captain bringing to a British port a domestic slave in ordinary attendance on him, was liable to the penalty proposed to be prescribed. Such a construction should be guarded against, if possible, though his Lordship was aware that discrimination would be difficult.

116. We have made the references suggested by his Lordship.

117. Two further communications from the local government, received while the general question was under deliberation, also accompany this despatch. They relate to the slave trade carried on at the ports in the Persian Gulf, and to the circumstances of a case in which a young girl, sold by her father to a chief of Kattewar, had been demanded by the uncle of the seller.

POLITICAL LETTER from *Bombay*, dated 1 January (No. 1) 1839.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, *London*.

Honourable Sirs,

We beg to submit to your Honourable Court copy of a minute recorded by our honourable president, dated the 10th ultimo, and of the documents therein alluded to, as noted in the margin, relative to the traffic in slaves said to be carried on by vessels from the Arabian coast and the Persian Gulf trading with the port of Bombay.

238.

x 2

Letter from Mons. Fontanier to Captain Guillian, dated 19th October 1838.

Ditto from the private Secretary of the Honourable the Governor, to Captain Guillian, dated 20th October.

A Minute by the Honourable the Governor, dated 10th November 1838.

Summary by the Political Secretary, dated 31st Dec. 1838.

Minute by the Honourable the Governor, dated 31st Dec.

2. In

No. 7.
BOMBAY.

2. In our despatch dated the 29th March, No. 7, of 1837, we reported to your Honourable Court our proceedings relative to certain African children rescued from slavery at Porebunder in 1835, and we now beg respectfully to draw your Honourable Court's attention to the accompanying summary of the proceedings of this government as connected with the suppression of the slave trade, prepared by our political secretary, dated the 31st instant; from the facts therein stated, your Honourable Court will perceive how very erroneous and incorrect is the information contained in the communication from Monsieur Fontanier (calling himself the French "Vice-consul at Bussora on a mission to Bombay") to the address of Captain Guillian, commanding the French corvette "Le Prevoyante."

3. We have forwarded copies of the above documents for the information of the government of India, and we beg to assure your Honourable Court that no exertion shall be wanting on our part to suppress the nefarious traffic in human beings within the limits of our jurisdiction and that of our allies.

We have, &c.

(signed) J. Farish.
G. W. Anderson.
T. Dunlop.

Bombay Castle, 1 January 1839.

EXTRACT LEGISLATIVE LETTER from *India*, dated 20 May (No. 12) 1839.

Matters referred to
the Law Commis-
sioners.

Slave Trade at
Bombay and the
Persian Gulf.

Leg. Cons.
11 February 1839.
Nos. 6 and 7,
4 March 1839.
Nos. 15 and 16.

Para. 181. IN continuation of para. 117 of our despatch (No. 19), dated 19th November 1838, we have the honour to report that we have referred to the Indian Law Commissioners two further communications from the government of Bombay; one relating to the slave trade carried on at the ports in the Persian Gulf, and the other relating to the same description of traffic alleged to be carried on by vessels from the Arabian coast and the Persian Gulf trading with the port of Bombay.

EXTRACT POLITICAL DESPATCH to *Bombay*, dated 12 March (No. 5) 1840.

Letters from, dated
4 July (No. 64.)
1838, and 1 January
(No. 1) 1839.

Slave Trade.

Para. 68. THE question of making better provision by legislative measures for the prevention of the traffic in slaves, which still prevails in the Indian seas, being under the consideration of the Government of India, by whom it has been referred to the Law Commission, we shall for the present abstain from all observations on the point. In the meantime, the Summary drawn up by Mr. Willoughby of your recent proceedings connected with the suppression of the slave trade, is an ample vindication of your government from the charges of culpable indifference to that important subject brought by M. Fontanier, calling himself French vice-consul at Bussora, in a letter which, being communicated to you by the party to whom it was addressed, gave occasion to the preparation of Mr. Willoughby's memorandum.

POLITICAL LETTER from *Bombay*, dated 23 May (No. 17) 1840.

To the Honourable the Court of Directors for Affairs of the Honourable
East India Company, *London*.

Honourable Sirs,

Persian Gulf.

Slave Trade.

1. WITH reference to our letter to your Honourable Court, dated the 1st January, No. 1, of 1839, forwarding a summary of the proceedings of this government for suppressing the traffic in slaves, we now do ourselves the honour of transmitting herewith extracts from our further proceedings connected with the same subject.

2. From the letter from Captain Hennell, the resident in the Persian Gulf, dated the 17th December last, No. 123, your Honourable Court will be gratified to perceive that the Imaum of Muscat has consented to three articles being added to the treaty concluded with his Highness by Captain Moresby, of Her Majesty's ship "Menai," under date the 29th August 1822, in which his Highness authorizes the right of search, and extends the boundary line laid down in Captain Moresby's treaty from Diu Head to Pussein, the eastern

No. 4
BOMBAY

extremity of the territories of his Highness on the coast of Mekran, thus including the coasts of Kattewar, Cutch, Karrachee, and upwards of four degrees westward, in the limits within which the subjects of Muscat are now forbidden to carry on the slave trade.

3. It has long been an object of great solicitude with us that the Imaum should be prevailed upon to extend the limits within which the slave trade has been prosecuted by subjects of his Highness's kingdom, which extended to the coasts of countries subject to the tributaries of this government, or to states in alliance with it.

4. A very considerable traffic in slaves has long been known to have been carried on, more particularly, from Africa, with the Portuguese settlement of Diu, on the coast of Kattewar, with the port of Mandavie in Cutch, and with those in Sind. By the arrangements which have now been effected through Captain Hennell's instrumentality with his Highness the Imam, the British Government will have the power of effectually excluding this nefarious trade on the long line of coast extending from Bombay to Cape Pussein in Mekran.

5. A letter has been addressed by our honourable president to his Highness the Imam, expressive of the high satisfaction of Government in receiving the gratifying intelligence of his Highness's co-operation in the accomplishment of an object in which the British nation has ever taken the deepest interest, intimating that his Highness could not have afforded a better proof of his friendship and regard.

6. The three articles in question run thus :

"I agree that the following articles be added to the above treaty, concluded by Captain Moresby on the aforesaid date."

"1st, That the Government cruizers, whenever they may meet any vessel belonging to my subjects, beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the island of Socotra, and ending at Pussein,* and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it."

* On the Mekran coast.

"2d, Should it, on examination, be found that any vessel belonging to my subjects is carrying slaves, whether men, women, or children, for sale beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo; but if the said vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized."

3d, "As the selling of males and females, whether grown up, or young, who are 'hoor' or free, is contrary to the Mahomedan religion, and whereas the Soomalees are included in the hoor, or free, I do hereby agree, that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy; and that four months from this date all those of my people convicted of being concerned in such an act shall be punished as pirates; dated 10th Showal 1255 A. H. corresponding to the 17th December A. D. 1839."

7. These articles have been published in the Government Gazette at this presidency, in the English, Arabic, Persian, Guzeratte, and Mahratta languages, and the Superintendent of the Indian navy has been directed to adopt effectual measures for the enforcement, within the extended boundary therein specified, of the further prohibition of the slave trade, now agreed to by his Highness the Imaum.

Vide accompanying Government Gazette, dated 21 M 1840.

8. A communication has also been addressed to the political agents in Kattewar, Cutch, and Lower Sind, informing those officers of the extension of the new boundary line, so as to include the ports and coasts within their jurisdiction.

9. We have conveyed to Captain Hennell the warmest commendation of Government for his valuable exertions in obtaining such an extensive concession from his Highness the Imaum as that now brought to the notice of your Honourable Court.

10. We beg to draw the attention of your Honourable Court to the accompanying copy of a summary drawn up by our political secretary, under date the 10th ultimo, wherein a review is taken of the proceedings which, during the last three years, have been adopted by this Government, for the purpose of suppressing the traffic in slaves carried on in the Persian Gulf.

1. 7.
BOMBAY.

11. A copy of the whole of the proceedings above adverted to, has been forwarded for the information of the Right honourable the Governor-general of India in Council.

Bombay Castle, 23 May 1840.

We have, &c.
(signed) J. Farish,
G. W. Anderson.

EXTRACT POLITICAL LETTER from Bombay, dated 15 August (No. 31) 1840.

Pol. Cons.: 13th Dec. 1837, Nos. 5641 and 5642; 7th March 1838, Nos. 998 to 1001; 18th April, Nos. 1612 and 1613; 11th July, Nos. 3330 to 3333; 5th Sept., No. 4397; 12th Dec., Nos. 6017 to 6020; 23d Oct. 1839, No. 4610 to 4614. Secret Cons.: 4th Dec., No. 5220.

Para. 200. IN a letter dated the 24th September 1837, Captain Hennell, the resident in the Persian Gulf, submitted copy of a statement which he had received from an individual named "Abdoolaben Awas," who stated himself to be a person of rank from the African coast, complaining of the recent abduction from Burburah, by the crews of some Joasmee boats, of 233 young women under the pretence of marriage, and of their having been brought from thence to some of the principal ports on the Arabian side of the Persian Gulf, and there disposed of as slaves.

201. Captain Hennell stated that he had adopted measures for eliciting the true facts of the case, but that hitherto he had not been able to obtain any information on which he could implicitly depend.

202. In reply, Captain Hennell was, under date the 9th December 1837, informed that Government would await his further report on this subject, but that, in the meantime, we were desirous of being furnished with his opinion as to the practicability or otherwise of his Highness the Imaum of Muscat, and the Arabian chiefs in the Persian Gulf, being induced, on a proper representation on the subject being made to them, entirely to prohibit the traffic in slaves within their respective jurisdictions.

203. In reply to this reference, Captain Hennell, under date the 10th January 1838, stated, that, after deliberate consideration, he was reluctantly led to the conclusion, that it would not only be impracticable to meet the attainment of the humane wishes of Government in regard to the suppression of the slave trade in the Gulf, without our making a very enormous pecuniary sacrifice, and that, even then, it was almost certain that our intentions would be defeated by impediments and difficulties for which no remedy could be found.

204. Captain Hennell, at the same time, observed that the only chiefs in the Persian Gulf with whom, unless as a matter of expediency, we could authoritatively interfere for the suppression of the slave trade, were the Joasmee and Uttaabee Sheiks, who are members of the general treaty negotiated in 1820, by Major-General Sir M. G. Keir, the 9th article of which document declares, that "the carrying off of slaves, men, women, and children, from the coast of Africa or elsewhere, and the transporting them on vessels, is plunder and piracy, and the friendly Arabs shall do nothing of this nature."

205. Captain Hennell, however, at the same time, observed that, strongly as the above clause might appear to be expressed in the English translation of the treaty, still it was considered to be so ambiguous in the Arabic version by the British officer who was appointed to the superintendence of political affairs in the Persian Gulf, shortly after the treaty had been signed by the respective chiefs above referred to, that the clause in question had become a dead letter, and that since that date (a period of 17 years), the question had never been agitated, so that it might now be considered that the parties concerned had acquired a kind of prescriptive right to consider that the 9th article was inserted solely with the view of guarding against the forcibly carrying away of individuals for the purpose of selling them as slaves, and not meant to prohibit altogether a traffic, which is not only in accordance with the letter and spirit of their religion, but which long continuance and custom have rendered almost indispensable to their domestic comfort.

206. In consideration of these and other circumstances mentioned by Captain Hennell, we informed that officer, that although we entertained little hope of effectually putting an end to this execrable traffic, yet we confidently relied on his best exertions to oppose, as far as might be in his power, any case of enormity that fell within his notice, and that he would take advantage of every

every opportunity which might present itself to express to the Arab chiefs in the Gulf, the detestation with which the British Government beholds in the slave trade the cruelty which is exercised to unoffending individuals of being forcibly taken from their homes, and separated for ever from their parents and connexions, and carried off to be sold as slaves to foreigners and strangers, in a distant land.

207. With a subsequent letter, dated the 28th February 1838, Dr. Mackenzie, who at that time, in consequence of the temporary absence of Captain Hennell, was in charge of the residency in the Persian Gulf, submitted translations of letters which had been received from the native agents at Shargah and Muscat, in reply to communications which had been addressed to them by Captain Hennell on the subject of the complaint of Abdoolabin Awaz, and observed that, from the information contained in these documents, it would appear evident that a disgraceful traffic in young females, probably both by stealth and purchase, was carried on from the Burbarra coast, not only to the territories of the Joasmees, but to every port of consequence in the Persian Gulf.

No. 7
H O M B.
Alluded to in
para. 200 of this
despatch.

208. We much feared, from the additional circumstances now brought to our notice, that little could be done to effect the suppression in the Gulf, of this nefarious traffic, but, as long as the most distant hope remained, we were unwilling to abandon the pursuit of any measures which could be adopted for the attainment of so highly desirable an object, and we therefore, on the receipt of Dr. Mackenzie's report, called upon Captain Hennell, who by that time had resumed charge of the residency, to submit his opinion in detail on the points adverted to in that officer's communication, and, at the same time, to suggest any measures which might occur to him (Captain Hennell) as being likely to mitigate the evil.

209. In reply to this reference, Captain Hennell, in a letter dated 28th April 1838, stated that information which he had gained during a recent visit which he had made to Muscat and the Arabian coast, fully tended to confirm the opinion expressed by Mr. Mackenzie, that the slave trade prevailed to a considerable extent in the Gulf, but that, on his having put the question to Sheik Sultan Bin Suggur, the chief of the Joasmee tribe, the Sheik had denied that any of his subjects were concerned in this revolting traffic, and had gone so far as to propose to the resident measures for its effectual prevention amongst the crews of vessels belonging to his ports trading on the Arabian coast, and has given his consent to the following agreement:

"In the event of vessels connected with any ports or belonging to my subjects coming under the suspicion of being employed in the carrying off and embarkation of slaves, men, women, or children, I, Sultan Bin Suggur, Sheik of the Joasmee tribe, do hereby agree to their being detained and searched whenever and wherever they may be fallen in with on the seas by the cruisers of the British Government; and further, that upon its being ascertained that the crews have carried off and embarked slaves, their vessels shall be liable to seizure and confiscation by the aforesaid cruisers."

210. Captain Hennell at the same time reported that he had succeeded in obtaining a similar concession from the Arab chiefs of Ejaman, Debayee, and Aboorthabee.

211. In a subsequent letter, dated the 3d September 1838, Captain Hennell, with a view of putting a stop, as far as possible, to the traffic in slaves in the Gulf, proposed that the following further measures should be adopted:—

1st. To endeavour to induce his Highness the Imaum of Muscat to extend the treaty concluded by Captain Moresby of Her Majesty's ship "Menai," in 1822, so as to include in its provision the provinces of Cutch and Kattywar, an object which would be effected by extending the line, without which his Highness's vessels engaged in the slave trade are liable to seizure from Diu Head, the then limit, to Kurrachee, or in the event of this not being attainable, to the mouth of the river Indus.

2d. To obtain the consent of the Arabian chiefs who are not subjects of Persia, or Turkey, to the adoption of the same restrictive line.

3d. To have the right of search of all vessels found without the prescribed limits, and open to the suspicion of being engaged in the slave trade, conceded by treaty on the parts of his Highness the Imaum, and the maritime Arabian chiefs; and,

4th. To endeavour to negotiate an agreement by which the purchase or sale of Soomalees, or such other inhabitants of the African coast as might come under the Mahomedan denomination of hoor or free should be considered a equivalent to an act of piracy, and punished accordingly.

212. With reference to the above suggestions, Captain Hennell was informed, under date the 12th December 1838, that, in regard to those states which had not hitherto come under compact to abandon the slave trade, measures only of a persuasive nature, and not those of a compulsory kind, should be resorted to, and that we saw no reason why in any new engagements which might be made for the suppression of this traffic, the ports on the coast of Mekran should not be included, a measure which did not appear to be contemplated by Captain Hennell.

213. On this occasion we directed Captain Hennell never to cease from exerting his utmost endeavours to advance the important object of restricting and suppressing this hateful traffic, on every opening which might present itself; and, in the event of his still remaining of opinion that nothing further could, for the present, be done in mitigation of the evil; than the measures mentioned in the preceding paragraph but one, we authorized him to attempt carrying them into effect.

214. In a subsequent letter, dated the 19th July 1839, Captain Hennell, to our great satisfaction, reported that he had prevailed on the four maritime

Shaik of Abboothabee, Shaik Mukhtoom of
Debhoy, Shaik Abdoola of Armulgaveen, and
Shaik Sultan Bin Suggur of Raselkhyamah.

Arab chiefs, named in the margin, to enter into the following engagements of three articles for the suppression of the slave trade within certain limits in the Gulf:—

“ I do hereby declare that I bind and pledge myself to the British Government in the following engagement :

Article 1. “ That the Government cruizers, whenever they may meet any vessel belonging to myself or my subjects, beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the island of Socotra, and ending at Cape Guadel, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.”

Article 2. “ Should it, on examination, be proved that any vessel belonging to myself or my subjects is carrying slaves, whether men, women, or children for sale beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and cargo; but if the aforesaid vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.”

Article 3. “ As the selling of males or females, whether grown up, or young, who are ‘ hoor,’ or free, is contrary to the Mahomedan religion, and whereas the Soomalee tribe is included in the ‘ ahrar,’ or free, I do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy; and that after four months from this date all those of my people convicted of being concerned in such an act shall be punished the same as pirates.”

215. The first article of these engagements your Honourable Court will observe, gives the Honourable Company’s cruizers the right of search beyond a line drawn from Cape Delgado to Cape Guadel, while the second renders any vessel belonging to the above chiefs, found with slaves on board, beyond the limit specified, liable to seizure and confiscation, and the third makes the sale of Soomalees an act of piracy.

216. We beg to state that, under the authority of the Government of India, we have published these articles in the Bombay Government Gazette, and that we have directed the superintendent of the Indian navy to issue to the commanders of the Honourable Company’s vessels of war such orders as he may consider necessary for giving effect to the provisions of the engagement which has been entered into by these chieftains.

217. We have the highest gratification in stating that, in a subsequent letter, Captain Hennell has reported that his Highness the Imaum of Muscat has consented to three articles being added to the treaty concluded with his Highness by Captain Moresby, under date the 29th of August 1822, in which his Highness authorizes the right of search, and extends the boundary line laid down in Captain Moresby’s treaty, from Diu Head to Pussein, the eastern extremity of the territories of his Highness on the coast of Mekran, thus including

including the coasts of Kattywar, Cutch, Kurrachee and upwards of four degrees westward in the limits within which the subjects of Muscat are now forbidden to carry on the slave trade.

No. 7
BOMB

218. A separate despatch on this subject was submitted to your Honourable Court, under date the 23d May last (No. 17.)

POLITICAL LETTER from *Bombay*, dated 28 August (No. 36) 1840.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, *London*.

Honourable Sirs,

Para. 1. In our despatch dated the 23d May last (No. 17), we reported that the Imaum of Muscat had, agreeably to the wish of the British Government, prohibited any traffic in slaves being carried on by sea, within certain limits, in his Highness's territories; and that we had published, in the official Gazette of this presidency, a notification to the above effect.

Persian G
Slave Tra

2. We now do ourselves the honour of transmitting herewith, translation of a letter from the Imaum, to the address of our honourable president, dated the 30th June last, from which your Honourable Court will perceive that his Highness is earnest in the measures adopted by him for the attainment of the object in view.

We have, &c.
(signed) J. Farish.
G. W. Anderson.*

Bombay Castle, 28 August 1840.

EXTRACT LEGISLATIVE LETTER from *India*, dated 16 November (No. 19) 1840.

Para. 32. THESE papers, together with an extract of our proceedings in the Political Department relating to the slave trade in the Persian Gulf, were transmitted to the Indian Law Commissioners for consideration, in connexion with other papers reported to your Honourable Court, in our despatch (No. 1) of 1840, above cited.

Leg. Cons.
8 June 1840
Nos. 17 to 1
not received

33. We also transmitted to the Law Commission the papers noted in the margin, being extracts of our proceedings in the Secret and Political Departments on the subject of the traffic in slaves carried on in the Persian Gulf.

Leg. Cons.
22 June 1840
Nos. 11 to 1
not received

EXTRACT from the PROCEEDINGS of the Honourable the President of *India* in Council, in the Legislative Department, dated 11 December 1837.

(No. 3.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council in the Political Department, under date the 22d November 1837.

No. 2

(No. 2046.)

To the Secretary to the Government of *India*, *Fort William*.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you, for the purpose of being laid before the Right honourable the Governor-general of India in Council, copy of the correspondence enumerated in the margin, relating to the traffic in slaves, supposed to be carried on to a considerable extent by persons in Arab boats and vessels from the ports in the Red Sea, Persian Gulf, and other parts, importing slaves of both sexes and of various ages, into Bombay and other ports and places subordinate thereto.

1. From the Committee, do May, with three Enclo
2. Reply to, dated 7 June.
3. To the Adjutant-general.
4. From the Committee, 13
5. To the Adjutant-general.
6. From ditto ditto, 27 Jun
7. To ditto, with three En 7th August.
8. From ditto ditto, with dit 16 August.

In submitting the above documents, I am instructed to express the hope of Government that some Act, to the effect of the draft accompanying the advocate-general's letter of the 16th August last, will meet the con-

7.
B A Y. currence of his Lordship in Council, and be passed into a law by the Government of India.

With reference to the proposed draft of a letter to the acting resident in the Persian Gulf, forwarded for the opinion of the advocate-general with my communication of the 17th August last, I am instructed to state, for the information of his Lordship in Council, that a letter, omitting the two first paragraphs, has been transmitted to that officer, a copy of which is enclosed.

In conclusion, I am directed to add that the Right honourable the Governor in Council concurs in the opinion expressed by the advocate-general of the propriety of withholding the promulgation of any proclamation until this Government is advised of the nature of the Act which the Supreme Government may be pleased to pass into a law.

I have, &c.
(signed) W. H. Wathen,
Chief Secretary.

Bombay Castle, 30 October 1837.

EXTRACT from the PROCEEDINGS of Government in the Political Department.

(No. 1.)

To J. P. Willoughby, Esq. Secretary to Government.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 30th March last, appointing us a committee for the purpose of amending the rules framed in 1820 for the guidance of Arab boats and vessels entering or quitting the harbour of Bombay, with directions to include such arrangements as may, in our opinion, tend to a more efficient suppression of the slave trade; and intimating that one of the reasons for associating together the officers composing this committee, arises from a hope that effectual arrangements may be devised, by means of existing establishments, without any additional expense being entailed upon Government.

2. In reply, we have the honour to acquaint you, for the information of the Right honourable the Governor in Council, that, in pursuance of these objects our first step was to address a letter to the advocate-general, to ascertain from that officer what the law is in regard to those foreign powers with whom we have no treaties for the suppression of the slave trade, as it appeared to us that severe penalties against all individuals in any way concerned in this detestable traffic, together with high rewards to informers, both being promulgated to the utmost, were the only means which promised to put an effectual stop to it. It will be seen therefore from his reply, which we have the honour to hand up, in original, that these two preventives are already amply provided by the Act 5 Geo. 4, c. 113, in regard to all foreign as well as British vessels and subjects within the limits of the British territories, since it enacts, that all persons importing, &c. slaves, shall be guilty of felony, punishable with transportation, for a term not exceeding 14 years, or imprisonment with hard labour for a term not exceeding five nor less than three years; shall forfeit 100% for every slave imported, a moiety whereof shall go to the informer, and all property in the slave forfeited, and the vessel and her tackling, &c. and all goods belonging to the owner also forfeited. British subjects, or any persons on shore, purchasing or having such slaves in their possession with a criminal intent, for the purpose either of trade, or of their being used or dealt with as slaves, being likewise punishable as felons, with transportation or imprisonment, at the discretion of the court before which the offender shall be tried.

3. All that seems chiefly wanted is, to make this highly penal statute sufficiently known throughout the British territories on this side of India and in Arabia; and we would accordingly recommend, that the accompanying draft of a proclamation, embodying its provisions, be translated into the Persian, Arabic, and vernacular languages of this presidency, and published from time to time in the Government Gazette; that copies of it be furnished to the nacidahs or commanders of all Arab vessels frequenting our ports; and that the other measures described in the paragraph of Mr. Le Messurier's letter with respect to Regulation I. of 1813, to give it further publicity, and, as is therein stated, to prevent

prevent those who are the subjects of it, incurring its penalties from ignorance of its enactments, be also resorted to.

4. Although placing our principal reliance upon rewards to informers, as a measure of detecting violations of the statute in question, since the whole community are, as it were, led to watch and report the proceedings of offenders, we would not recommend that the whole of the existing rules in regard to Arab vessels entering or quitting the harbour of Bombay be set aside, as is proposed in the letter to Government of the senior magistrate of police, dated the 30th November last, a copy of which he has laid before us, but that the 4th and 5th Rules only be abrogated, since we are of opinion that the other three Rules, in conjunction with those which we have added, will be useful auxiliaries, should they have no other good effect, in making known the state of the law to those (and there may be some) who, in spite of the measures we have adverted to for disseminating a knowledge of its penalties, may nevertheless visit this port in ignorance of them; and although they would not, of course, under such circumstances prevent Arab vessels having slaves on board, they may still have a salutary effect in deterring the owners from disposing of them by sale within the Honourable Company's territories.

5. A draft of the Rules which we propose to substitute for those prepared in 1820 are herewith transmitted.

6. Although, also, laying no great stress upon the efficacy, as a check, of boarding such vessels on their entering and quitting the harbour, since the parties who are implicated in such practices will then, of course, be on their guard, and their victims restored to silence,—still, as some good may possibly arise from it, we would further propose, that they be made liable to such inspection; not however as suggested by the senior magistrate of the police, in the letter we have already noticed, by means of a bunder boat to be attached to the police department, under the other arrangements therein specified (since, besides the expense of such a boat, it would involve that of a large floating establishment besides, under the control of the Superintendent Indian navy, to give proper effect to it), but by the Customs Department, as we learn from the collector of customs that his floating establishment must, when the new custom tariff, shortly looked for, is introduced, be strengthened at all events, and will then be fully competent to undertake this duty.

We have, &c.

(signed) *Charles Malcolm.*

D. Ross.

W. C. Bruce.

Bombay, 5 May 1837.

(No. 20 of 1837.)

To the Superintendent of the Indian Navy.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant, written as president of a committee appointed by Government to inquire into the best means for the prevention of the slave trade at this presidency, and requesting my opinion on certain points referred to in your letter.

The law, as regards foreign vessels bringing slaves into a British port in India, is the same as is applicable to British vessels importing them, and it makes no difference whether the foreign vessels belong to nations with whom we have slave treaties, or are vessels under Arab colours, or sailing under the flag of independent native chiefs, not bound by any slave treaties; all are liable to the penalties of the Slave Abolition Act (the 5th Geo. 4, c. 113),—a statute so universal in its language as to comprehend all persons whatsoever, foreigners as well as our own subjects, the jurisdiction over the former attaching, from the locality of the offence, from the crime being committed by them within the local limits of the British territories, and within the local jurisdiction of the British laws.

So far back as the year 1789, long before the abolition of the African slave trade by the British Parliament, a Dane, Captain Hornbow, was tried and convicted by the Supreme Court of Calcutta, for kidnapping a number of slaves, males and females, and transporting them from Chandernagore, a French settlement, to the island of Ceylon, then under the Dutch, and thence selling them.

No. 7.
BOMBAY.

the slaves being originally intended for the Mauritius. The jurisdiction of the court was objected to on behalf of Captain Hornbow, not only on account of his being a foreigner, but from its "appearing that the slaves had been purchased at Chandernagore; that they were taken from thence without stopping at all in Calcutta, but went down on the opposite side of the river until they came near the new fort, where, on account of a sand-bank, they were obliged to cross to the Calcutta side. It was contended, therefore, that the offence was not committed anywhere but at Chandernagore, and upon subjects of the French king, owing no allegiance to the king of Great Britain, and that therefore the court had no jurisdiction in the case." Sir Robert Chambers, the presiding judge, was of opinion "that Captain Hornbow was subject to the jurisdiction of the court (as well by the peculiar ground stated by him, which made him, though a foreigner, amenable to the court, as) from the offence being actually committed in Calcutta, from the budgerow, in which the natives were confined, having come within the limits of the jurisdiction of the court," and he was accordingly sentenced to be imprisoned for three months, to pay a fine of 500 rupees, and to give security for his future good behaviour for three years, himself in a bond of 10,000 rupees, and two securities in 500 rupees each.—(East India Parliamentary Papers.)

This was a strong case, as there had been no intention, originally, of importing the slaves into Calcutta; but the budgerow, in its transit down the river, was, from necessity, on account of the sand-bank, obliged to enter the Calcutta limits.

In 1812, Sir John Newbolt, the recorder of Bombay at that time, in an address to the grand jury, in alluding to the Act which had then just come out, by which the slave trade was made punishable as a felony (the 51st Geo. 3, c. 23, passed in May 1811), commonly called the Felony Slave Trade Act (which, though repealed, yet its provisions are re-enacted in the later Act of 5 Geo. 4, c. 113, in stronger and more comprehensive terms), expressed his opinion of the application of the Act to foreigners as well as to British subjects. I have not been able to find a report of this address in any other Bombay publication than the Bombay Courier newspaper of 17th October 1812; but the address is noticed by the advocate-general of Madras, who was afterwards recorder of Bombay, Sir Alexander Anstruther, in an official correspondence with the Madras government, his attention having been called to it as published in the Government Gazette there. He remarked, he had not ascertained its authenticity; that being immaterial to the present object, and proceeded to observe, "There seems to me to be no doubt of the correctness of the observation contained in the above publication, that under the strict interpretation of the statute of 1811 (the Slave Trade Felony Act), the commander of an Arab or other foreign Asiatic vessel, carrying slaves for sale, or even only navigated partly by the slaves of the owner or commander, and entering any British port in India, becomes liable to the penalties of felony."—(Letter dated 17th November 1812.)

His Majesty's Attorney and Solicitor-general in England, upon their opinions being required, whether the Felony Slave Trade Act was to be considered applicable to Java and its dependencies, which, at the time of the passing of it (May 1811) were not actually in the possession of the British authority, those Crown officers, referring to the Act by which, they observed, that the carrying on the slave trade was prohibited, under severe penalties, by any person residing or living within any of the islands, colonies, dominions, &c. now or hereafter belonging to the United Kingdom, or being in his Majesty's occupation or possession, or under the government of the East India Company, the Act to be in force in the East India seas, &c. the 1st January 1812, went on to remark, "That under these words so much of the island of Java as was in the occupation or possession of his Majesty would be comprehended, and the slave trade therein prohibited, unless there was anything in the terms of the capitulation to produce a different result; such parts, however, of the island and its vicinities the waters and seas adjoining which were not in his Majesty's occupation or possession, and which did not belong to his Majesty or the East India Company, but to independent princes, were not affected by this or any other Act of the British Parliament, nor could their trade be restrained thereby, unless it was carried on in British vessels or by British subjects, or persons resident or living in a British settlement."

settlement."—(Letter of Sir T. Plumer, Attorney-general, and Sir William Garrow, Solicitor-general, to Lord Bathurst, 3d March 1813: East India Parliamentary Paper.)

No. 7.
BOMBAY.

In the Supreme Court of Bombay, at the sessions July 1835, a native of Scinde, who had merely come to Bombay for a few days, was tried and convicted for having caused some children to be exported as slaves from Bombay, and was sentenced to the house of correction for three years for the offence.

These authorities are sufficient to show the jurisdiction of our slave laws over foreigners carrying on the trade within our ports and territories.

With regard to the carrying on the trade without the limits of our ports and territories, the doing so on the high seas is an offence which, by the 5 Geo. 4, is made piracy (thus being classed amongst the offences against the law of nations), though long before the year 1824, when this Act was passed, the practice had been declared, in the British Parliament, (in 1807), contrary to humanity and universal justice; but though made piracy, still the jurisdiction of our law over this offence, this particular kind of piracy, is not, as regards the offender, as extensive as in the ordinary cases of piracy, of depredations by sea-rovers, the universal enemies of the whole world, "*hostes humani generis*," exciting universal terror, whose hand is against every man and every man's hand therefore against them, and whom the strong arm of the law of every country has a right to punish; but to render a foreigner (as distinct from a British subject) liable to British jurisdiction as a slave pirate, (under statute 10 of 5 Geo. 4,) he must be a person either "residing, or being within any of the dominions, forts, settlements, factories or territories, now or hereafter belonging to his Majesty, or being in his Majesty's occupation or possessions, or under the government of the East India Company."

Foreign vessels carrying on the slave trade without entering our ports, and without the limits of our dominions, vessels of foreign independent states which allow their subjects to carry on the trade, are not amenable to our laws for so doing.

The *Diana*, a Swedish vessel, bound with a cargo of slaves from the coast of Africa to St. Bartholomew, a Swedish island, was seized by his Majesty's ship *Crocodile*, Captain Columbine, and by the Vice-Admiralty Court at Sierra Leone was condemned, but the sentence on appeal was reversed, Sweden at the time of the capture (1810) not having abolished the slave trade; Sir William Scott, in reversing it, observing "that our own country claimed no right of enforcing the prohibition of the slave trade against the subjects of those states which had not adopted the same opinion with respect to the injustice and humanity of it."—(Dodson's Admiralty Reports.)

In the case of the *Amédie*, however, an American vessel, which was condemned by the Vice-Admiralty Court of Tortola, for carrying slaves from the coast of Africa to a Spanish colony, the condemnation, on appeal, was affirmed, America at the time having prohibited its own subjects from engaging in the traffic. Sir William Grant, in delivering the judgment of the Supreme Court, observed, "That our Legislature has pronounced the slave trade to be contrary to the principles of justice and humanity; and we can now assert that this trade cannot, abstractedly speaking, have a legitimate existence. When I say abstractedly speaking, I mean that this country has no right to control any foreign legislature that may think fit to dissent from this doctrine, and to permit to its own subjects the prosecution of this trade; but we have now a right to affirm that, *primâ facie*, the trade is illegal, and thus to throw on claimants the burthen of proof that, in respect of them, by the authority of their own laws, it is otherwise. As the case now stands, we think we are entitled to say, that a claimant can have no right, upon principles of universal law, to claim the restitution in a prize court of human beings carried as his slaves. He must show some rights that have been violated by the capture, some property of which he has been dispossessed, and to which he ought to be restored. In this case, the laws of the claimant's country allow of no right of property such as he claims; there can, therefore, be no right to restitution. The consequence is, that the judgment must be affirmed."—(Actor's Report, cited also in 1 Dods.)

This case of the *Amédie* has been the leading authority for subsequent decisions, and Sir William Scott, in noticing it in the above case of the Swedish vessel *Diana*, made the following remarks: "The principle laid down by the Supreme Court in the case of the *Amédie* was, that where the municipal laws

No. 7.
BOMBAY.

of the country to which the parties belonged have prohibited the trade, the tribunals of this country will hold it to be illegal, upon the general principles of justice and humanity, and refuse restitution of the property; but, on the other hand, though they consider the trade to be generally contrary to the principles of justice and humanity, where not tolerated by the laws of the country, they will respect the property of persons engaged in it under the sanction of the laws of their own country. The Lords of Appeal did not mean to set themselves up as legislators for the whole world, or presume in any measure to interfere with the commercial regulations of other states, or to lay down general principles that were to overthrow their legislative provisions with respect to the conduct of their own subjects. It is highly fit that the judge of the court below should be corrected in the view which he has taken of this matter, since the doctrine laid down by him in this sentence (that the slave trade, from motives of humanity, hath been abolished by most civilized nations, and is not at the present time legally authorized by any), is inconsistent with the peace of this country and the rights of other states."—(See also the cases of the *Fortuna* and *Donna Maria*, decided by Sir William Scott: *Dodson's Admiralty Reports*, on the Authority of the *Amédie*.)

In the above-mentioned case of the *Diana*, the endorsement upon the pass, signed by the Swedish governor (of St. Bartholomew), that the vessel was "bound to the coast of Guinea for slaves," was held by Sir William Scott to be sufficient proof that Sweden permitted the trade. It was not necessary, he said, that there should be an immediate Act of the Swedish government itself on board, declaring what the precise state of the law may be.

There is one more case I would refer to, as it was determined, not by a prize court under the law of nations, but before our own municipal jurisdictions, and so late as 1820, in which the principles in the above cases were recognized. It was the case of *Madrado v. Willis*, which was an action brought by the plaintiff, a Spanish merchant, against the defendant, Captain Willis, of the Royal Navy, to recover damages for his having seized a Spanish brig, the property of the plaintiff, bound from the coast of Africa to the Havannah, in the island of Cuba, with a cargo of 300 slaves on board, and for which the jury gave him 21,180*l.* damages, being 3,000*l.* for the deterioration of the ship's stores and goods, and 18,120*l.* for the supposed profit of the cargo of slaves. It was at first thought at the trial that the plaintiff could not recover the value of the slaves in an English court of justice, but upon the question being brought into the King's Bench, the four judges held that he could, Spain not having prohibited her subjects from carrying on the slave trade. Sir William D. Best, in delivering his judgment said, "The declaration of the British Legislature, that the slave trade is contrary to justice and humanity, cannot affect the subjects of other countries, or prevent them from carrying on this trade out of the limits of the British dominions."—(*Barnewall and Alderson*, 358.)

With reference to those paragraphs of your letter requiring to know the punishment for the particular acts of slave dealing specified in your letter, as the provisions of the Act in regard to them, and for every kind and species of slave dealing, are so severe, and in the highest degree penal, I beg to refer you to the Act itself (the 5 Geo. 4, c. 113), and will here only generally state, that the Act declares all persons importing, &c. slaves, shall be guilty of felony, punishable with transportation for a term not exceeding 14 years, or imprisonment, with hard labour, for a term not exceeding five nor less than three years, (sec. 10), shall forfeit 100*l.* for every slave imported, a moiety whereof shall go to the informer, and all property in the slave forfeited (sec. 3), and the vessel and her tackling, &c. and all goods on board belonging to the owner also forfeited. British subjects, or any persons on shore, purchasing or having such slaves in their possession, with a criminal intent, for the purpose either of trade or of their being used or dealt with as slaves, are punishable as felons under the 10th section of the Act, with transportation or imprisonment, at the discretion of the court before which the offender shall be tried.

The same law, with its penalties, extends to the West Indies, where now, it is well known, not only the traffic has ceased, but under the 20-million grant, (3 & 4 W. 4, c. 73), slavery no longer in any shape exists, nor in any part of the British dominions, except in India, where it is recognized and sanctioned by law, but which, by the late Charter Act, section 88, is to be extinguished as soon as practicable and safe.

Slavery

Slavery in India has engaged the attention of the Indian governments from the time of Mr. Hastings, the first Governor-general; and in 1828 a volume of papers was ordered by the House of Commons to be printed, containing all the correspondence between the Court of Directors and the Indian governments on the state of slavery in India, with all Orders and Regulations that had been made in regard thereto from 1772 up to May 1827; a volume which, if the committee have not referred to in their present inquiries, I would beg to draw their attention to, as affording information of the measures which have, from time to time, been taken by the Supreme Government of India for the suppression of the slave trade throughout India and the Indian seas.

In 1811, the Supreme Government passed a Regulation, intituled, "A Regulation for preventing the Importation of Slaves from Foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of Fort William." I notice this Regulation, as it was directed to be made, and was made, the model of the Bombay Regulation I. of 1813, intituled, "A Regulation for the preventing the Importation of Slaves from Foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of Bombay;" differing from the Bengal one in a very slight degree; and which were passed with a view principally of preventing the importation of slaves by land into the Company's territories, the Act of the 51 Geo. 3 being generally supposed to be confined to the importation by sea.

The volume I have referred to will likewise show the measures adopted by the Supreme Government, consequent on the passing of the Felony Slave Act, for carrying its provisions into effect, and the publicity that was given to it, to prevent those who were the objects of it incurring its penalties from ignorance of its enactments, copies being distributed, not only to magistrates and all the British authorities under the Company's government, but furnished likewise to political agents and residents, for the information of foreign states, and copies or extracts of the Act, with translation in the Arabic and Persian languages, forwarded to all the Arab merchants and other persons connected with Arab shipping, informing them, at the same time, that the magistrates would use their utmost vigilance in detecting and bringing to public justice all offenders against the statute, and desiring them to take every opportunity of making known to their correspondents in the Red Sea, Persian Gulf, &c. the purport of such communication.

I have, &c.

(signed) *A. Messurier,*
Advocate-general.

Bombay, 29 April 1837.

REGULATION to be observed by all Arab Boats and Vessels arriving at or departing from *Bombay*, who do not take Pilots.

1. IMMEDIATELY after the arrival of any such vessels, the noquedah or chief person on board is to proceed to the office of the inspector of the port, and there give a true account of the port he belongs to, of all persons on board, and of the armament of his vessel, which is to be noted down in that officer's book, and signed by the noquedah or chief attending.

2. A transcript of the account so given is to be made out in the inspector of the port's office, which is also to be signed by the noquedah or chief, counter-signed by the inspector of the port, who is to send the noquedah with the transcript to the senior magistrate of police, and that officer is then to cause the noquedah to attest the same upon oath, and keep it in his possession, strictly enjoining the noquedah not to discharge from his vessel, or receive on board, any person whatever, without the senior magistrate's particular permission, and apprising him at the same time, that none of the people belonging to the vessel (except himself and his servants) can be on shore after sunset each day, without subjecting themselves to imprisonment and other punishment.

3. Two days previous to the vessel's departure, the noquedah or chief is to proceed to the police office, where he is to state upon oath every casualty that has occurred during the vessel's stay in port.

4. Every such Arab boat and vessel shall, on entering or quitting the harbour of *Bombay*, or any port subordinate thereto, be liable to be boarded by the boat

No. 7.
BOMBAY.

or boats belonging to the Customs Department and department of the inspector of the port, and if any slaves be found therein, they are to be taken out, and the vessels seized, in order that the necessary measures may be taken for the offenders being prosecuted according to law.

5. Copies of the annexed proclamation, translated into the Persian, Arabic, and other native languages, shall be kept at the offices of the senior magistrate of police, and of the inspector of the port; and if at a subordinate port, the custom-house and every naqoodah or commander of the aforesaid vessels, on coming there for the purpose specified in Rule 2 of the existing Regulations, shall be furnished with one.

PROCLAMATION.

WITH a view to the more effectual suppression of slavery, which there is reason to believe is carried on to a considerable extent by Arab boats and vessels frequenting the port of Bombay, and the several ports subordinate to this presidency, it is hereby notified for general information, and that no person may incur its severe penalties through ignorance, that by the Act 5 Geo. 4, c. 113, all persons, whether foreigners or British subjects, importing slaves from foreign countries into any British port, or disposing of such slaves by the sale within the British territories, are punishable as felons, with transportation, for a term not exceeding 14 years, or imprisonment with hard labour for a term not exceeding five nor less than three years, and shall besides forfeit 100*l.* for every slave imported, a moiety whereof shall go to the informers; and shall further forfeit all property in the slave, and of the vessel and her tackling. British subjects, or any persons on shore, purchasing or having such slaves in their possession with a criminal intent, or for the purpose either of trade or of their being used or dealt with as slaves, are moreover also punishable as felons, with transportation or imprisonment, at the discretion of the court before which the offender shall be tried.

(signed) C. Malcolm.
D. Ross.
W. C. Bruce.

(No. 1139 of 1837.)

To the Superintendent of the Indian Navy, the Collector of Customs, and the Master Attendant.

Gentlemen,

I AM directed by the Right honourable the Governor in Council, to acknowledge the receipt of your letter dated the 5th ult., reporting the result of your deliberations for amending the rules framed in 1820, for the guidance of Arab boats and vessels entering or quitting the harbour of Bombay, and submitting a report from the advocate-general, together with certain rules and copy of a proposed proclamation connected with the subject.

2. In reply, the Governor in Council instructs me to observe, with reference to the 2d clause of the proposed rules, that he doubts whether the absolute prohibition to the naqoodah and his men, to come or be ashore after sunset, without subjecting themselves to punishment, be not too severe; and to request that you will state whether it is the usual habit of the people of Arab vessels to sleep on board, and whether they might not be allowed to be on shore after sunset, by special license.

I have, &c.
(signed) W. H. Wathen,
Chief Secretary.

Bombay Castle, 2 June 1837.

(No. 1140.)

To the Advocate-general.

Sir,

WITH reference to your letter of the 29th April last, to the committee appointed for the purpose of amending the rules framed in 1820, for the guidance of Arab boats and vessels, entering or quitting the harbour of Bombay

bay. I am directed by the Right honourable the Governor in Council to transmit to you copy of a letter from the above committee, dated the 5th ultimo, together with the rules and proclamation therein alluded to.

No. 7.
BOMBAY.

2. In submitting the above documents, the Governor in Council requests to be favoured with your opinion, as to whether the absolute prohibition to the naqoodah and his men to come or be ashore after sunset, without subjecting themselves to punishment, as stated in the 2d clause of the rules submitted by the committee, can be legally enforced.

3. As the extent of the power to enforce these rules should be well ascertained, the Governor in Council requests that you will be pleased to settle the regulations generally.

4. With respect to the proclamation submitted by the committee, the Governor in Council is of opinion, that in one respect it is better than that proposed by Government and approved of in your letter of the 4th of April last, namely, that it provides the penalty of 100*l.* for each slave imported, and that a moiety thereof should go to the informer.

5. Before adopting the committee's proclamation, however, the Governor in Council is desirous of being favoured with your opinion as to how Government will be authorized to deal with persons importing slaves into ports out of the jurisdiction of the Supreme Court.

I have, &c.

(signed) *W. H. Wathen,*
Chief Secretary.

Bombay Castle, 7 June 1837.

To *W. H. Wathen*, Esq. Chief Secretary to Government.

Sir,

WE have the honour to acknowledge the receipt of your letter of the 7th instant, and with reference to the question submitted in the 2d paragraph, as to whether the absolute prohibition to the naqoodahs of Arab boats and vessels and their men to come or be ashore after sunset, without subjecting themselves to punishment, be not too severe &c., we have the honour to state, for the information of the Right honourable the Governor in Council, that the prohibition in question having been suffered to remain as a part of the rules handed up with our letter of the 8th ultimo, was an oversight, as we are unanimously of opinion that it is uselessly severe, and has always, we believe, been a dead letter, and that, even if desirable, its enforcement would be impracticable. We are of opinion, in short, that no special regulation is necessary in regard to these people coming on shore between sunset and sunrise; we would accordingly recommend that clause 2d of these rules should end with the words, "the senior magistrate's particular permission," all that follows being omitted.

We have, &c.

(signed) *C. Malcolm.*
W. C. Bruce.
D. Ross.

Bombay, 13 June 1837.

(No. 1196 of 1837.)

To the Advocate-general.

Sir,

I AM directed by the Right honourable the Governor in Council to request that you will have the goodness to favour Government, at your earliest convenience, with your opinion on the several points submitted in my letter of the 7th inst. No. 1140, relative to the prevention of the slave trade carried on at this presidency.

I have, &c.

(signed) *W. H. Wathen,*
Chief Secretary.

Bombay Castle, 20 June 1837.

No. 7.
BOMBAY.

(No. 28 of 1837.)

To the Secretary to Government.

Sir,

I HAVE the honour of replying to your letter of the 7th inst., which I have been prevented doing earlier by the business of the late term, which was got through only late yesterday.

2. With reference to the second para. of your letter, I think the prohibition contained in the latter clause of the second rule submitted by the committee, cannot be legally enforced. The prohibition is not an amendment of the committee's, but a part of the original regulation of 1820, as I perceive on inspection of the Regulation itself, which, however, I understand has never been acted upon, owing perhaps to an opinion that may have formerly been entertained or given of its illegality.

3. The proposed Regulation of the committee, in the room of the 4th Regulation of 1820, cannot, I think, be legally substituted for it; but under the 5th George 4, chapter 113, section 43, authorising any officer bearing His Majesty's commission in His Majesty's navy or army to make seizure of slave vessels, Admiral Sir Charles Malcolm (not as Superintendent of the Indian navy), but as an officer bearing His Majesty's commission in the navy, would, I think, be justified in making such seizures; but in making this observation I cannot say that my mind is free from doubt on the point, for, general as the words of the Act are, it would appear from the wording of the 43d section, that seizures in the territories under the East India Company were not in the contemplation of the Legislature, but only those made in His Majesty's colonies; and as this is a penal statute (highly so), and consequently must be construed strictly, I have thought it necessary to state the doubt I entertain, that the Governor in Council, in the event of his having himself any doubt on the subject, might perhaps deem it necessary to apply to the Supreme Government for an Act on the point, and if so, I would suggest that the Indian Act should follow, in this respect, the English Act of 5 Geo. 4, as nearly as possible.

4. With respect to the proclamation submitted by the committee, I think the one proposed by Government, and approved of by me, preferable, and would recommend, therefore, that the latter be adopted, with an additional clause, however, for rewards to informers. As to the reward of a moiety of the penalty held out by 5th George 4, of 100*l.* for each slave, that reward, I would observe, cannot be realized to the informer without his suing and prosecuting for the same; and supposing him to succeed in obtaining a judgment for the penalty, the party so condemned to pay it might perhaps be an insolvent person, and the informer would thus be disappointed of his reward. The expense, too, of litigation, to recover the moiety of the penalty, might deter that class of persons, to which informers generally belong, from coming forward and informing; and, as rewards to informers are the principal means to be relied on, as the committee say, for detecting violations of the statute, I beg to suggest, for the consideration of Government, the propriety and expediency of the proclamation (besides the reward held out by the Act) containing also an offer of a reward by Government of rupees 50 (or any other sum), for every slave discovered to have been imported in violation of the Act; and as all fines and forfeitures to the Crown are granted and belong to the Company, the reward might come out of such fines. If this suggestion should meet with the approbation of Government, I shall be happy to add the necessary clause to the proclamation.

5. Besides copies of it being published, as proposed by the second regulation of the committee, I would advise the regulation being extended to include extracts from those parts of the Act (5 Geo. 4), more peculiarly applicable to the nacoodahs and commanders of the Arab vessels who, on being furnished with copies of the proclamation, might also be informed of the substance and purport of the Act, and the severe penalties attached to a violation of it.

6. With reference to the last paragraph of your letter, I beg to observe, that all persons importing slaves into ports out of the jurisdiction of the Supreme Court, must be dealt with in the same manner as those importing them within such jurisdiction, both agreeable to the enactments of the 5th Geo. 4, and by which the local courts must be guided as well as the Supreme Court. The Regulations of the Bombay Code do not provide, as far as I see, for the seizure
of

of slave vessels at subordinate ports; and seem to contemplate the import and export of slaves by land only, and not by sea; but, in furtherance of the design of suppressing the slave trade entirely, and everywhere within the Company's jurisdictions, it would be most advisable certainly, were the powers of seizing slaves and vessels for a breach of the slave abolition laws more clearly defined.

No. 7.
BOMBAY.

Bombay, 27 June 1837.

I have, &c.
(signed) *A. S. Le Messurier*,
Advocate-general.

(No. 1452 of 1837.)

To the Advocate-general.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, dated the 27th inst., stating your sentiments upon the rules and proclamation submitted by the committee appointed to amend the regulations framed in 1820, for the guidance of Arab vessels and boats entering or quitting the harbour of Bombay, and, in reply, to communicate to you the following observations, and wishes of Government on the subject.

2. With reference to the 2d para. I am instructed to inform you, that from a letter from the committee dated the 13th June last, it appears that the introduction of the clause prohibiting naqoodahs and their men from coming or remaining on shore after sunset was entirely an oversight on their part, and the Governor in Council is of opinion that the same should be expunged, and that clause the 2d should accordingly end with the words "the senior magistrate's particular permission."

3. Government are inclined to greatly doubt if they would be authorized in putting in motion the powers which Admiral Sir Charles Malcolm may, as a King's officer, possess, of seizing any vessel or vessels found with slaves on board; a special enactment will, therefore, be applied for from the Supreme Government, as recommended by you.

4. The Governor in Council approves of the suggestion contained in the latter part of your 4th para. relative to the expediency of the proclamation, in addition to the reward held out by the Act, containing the promise of a further reward from Government for every slave discovered to have been imported in violation thereof, and requests that you will be pleased to add a clause to that effect to the proclamation submitted for your opinion the 31st March last.

5. With regard to the remarks in your 5th para. I am desired to request that you will have the goodness to add to the regulations proposed by the committee such extracts of the Act 5 Geo. 4, as you may deem expedient, prolixity, however, being as much as possible avoided, a point Government consider highly important. The Governor in Council quite approves of your suggestion of the naqoodahs and commanders of Arab vessels being distinctly appraised, on their being furnished with copies of the proclamation, of the substance and purport of the Act, and the severe penalties incurred by its violation.

6. Adverting to the last para. of your letter, stating your opinion as to the course which should be observed towards persons importing slaves into ports out of the jurisdiction of the Supreme Court of Bombay, I am directed to request that you will favour Government, as early as may be conveniently practicable, with a concise draft of the regulations you would recommend, in order that the same may be submitted for the sentiments of the Right honourable the Governor-general of India in Council.

7. As connected with this subject, I am directed to transmit to you the accompanying draft of a letter to the acting resident in the Persian Gulf (which embraces some points of law), and to request the favour of your making any alteration which may in your opinion be deemed necessary.

I have, &c.
(signed) *W. H. Wathen*,
Chief Secretary.

Bombay Castle, August 1837.

No. 7.
BOMBAY.

Political Department.

To the Acting Resident in the *Persian Gulf*.

Sir,

1. It having been brought to the notice of Government that a practice of dealing in slaves is carried on by certain Arab merchants trading from Mocha to Bombay, I am directed by the Right honourable the Governor in Council to transmit to you, for the purpose of being widely circulated in the Persian Gulf, 50 copies of a proclamation in the English, Persian, and Arabic languages, denouncing this traffic in human beings as illegal, and punishable under severe penalties.

2. The Governor in Council requests that you will take the earliest and most efficacious means of making known to the merchants and authorities connected with the port at which you reside, both the nature of these penalties, and the firm intention of the British Government to use its most strenuous endeavours in discovering where they may be incurred, and to enforce them on such discovery with unsparing rigour.

3. I am directed on this occasion to transmit to you copy of the treaty concluded by Captain Moresby, of his Majesty's ship *Menai*, with his Highness the Imaum of Muscat, on the 29th August 1822, prohibiting within certain limits the slave trade.

4. In forwarding this document, the Right honourable the Governor in Council instructs me to request that you will endeavour to prevail on his Highness to extend the above treaty so as to include in its provisions the provinces of Cutch and Kattywar. At present, vessels engaged in the slave trade are only liable to seizure, if found "to the eastward of a line drawn from Cape Delgado, passing east of Socotra, and on the Diu Head, the western point of the Gulf of Cambay."

5. The Governor in Council does not, however, think this sufficient. It might, he is of opinion, be very difficult for the British power to assume generally the right of detaining and searching on the high seas vessels which there is reason to suspect of being engaged in the slave trade; but there can be no objection, he conceives, to the exercise of this right over the vessels of foreign powers, where it is conceded by treaty. You are therefore requested to endeavour to obtain from the Imaum the right of searching any vessels fitted out from his ports, and open to the suspicion above mentioned.

6. Government are also desirous that the same privilege should be obtained from other Arabian potentates to whom we have access, and accordingly desires me to instruct you to take every opportunity for that purpose.

7. The Governor in Council is not inclined to confine you to any particular instructions for the attainment of the object in view, but is rather disposed to leave the supplying of the requisite details to your own good sense and activity.

I have, &c.

(signed) *W. Wathen*,

Bombay Castle, August 1837.

Chief Secretary to Government.

(No. 36 of 1837.)

No. 8.

To the Chief Secretary to Government.

Sir,

I HAVE the honour of acknowledging the receipt of your letter of the 7th instant, communicating the sentiments of Government on the rules and proclamations relating to the trade in slaves carried on in Arab boats and vessels therein alluded to, and also the receipt of your letter of the 9th instant, regarding the three African children taken out of the "*Francis Warden*" and "*Futteh Kurreem*," at Juddah, by Commander Rogers, of the Honourable Company's brig of war "*Euphrates*."

The two letters relating to the same subject, I will answer them together.

With

With reference to the 3d para. of the letter of the first date, I have herewith forwarded for the approval of Government the draft of an Act to empower other persons than those mentioned in the 5th Geo. 4, c. 113, s. 43, to make seizures of vessels for a breach of the slave laws.

The draft proposes to give this power to the commander of the vessels of the Indian navy, which, if they possessed, would do more, I think, to put an end to the traffic than any measures that have yet hitherto been adopted for the purpose. All vessels sailing under the British flag, though armed and navigated by foreigners, and which now are liable to seizure as being clothed with the British character, enjoying the privileges and benefit of British protection, and consequently subject to the inconveniences and penalties attaching to a breach of the British laws, would then under the proposed enactment be within the reach and power of the Company's vessels; and with the conjoint efforts of the Imam of Muscat and of the other chief in the Red Sea and Persian Gulf co-operating in the measure, the ports and shores of those countries would in a very short time, I should think, be cleared of all its slaves.

With this power Captain Rogers might have seized the "Francis Warden" and "Futteh Kurree" for piratically carrying slaves on the high seas, and have brought them to Bombay, and had them condemned in the Vice-Admiralty Court.

From the omission in the Act, as the law now stands, if an Arab vessel were to come into Bombay harbour with a cargo of slaves for sale, the magistrate, it is true, might arrest the individuals on board for the crime of slave dealing, with a view to their ultimate prosecution and punishment; but (unless there was a King's vessel here) there would be no authority in the place to seize and prosecute the vessel for the purpose of condemning her and her slaves.

The Draft Act proposes to supply the defects of the Act, and, besides the commanders of the Company's vessels, to invest every officer of customs in the service of the East India Company, and every person who may be deputed by Government, with the power of making seizures, which will therefore enable seizures to be made at all subordinate ports and places, which now cannot be done by any local authority there.

Agreeably to the 4th para. of your letter of the 7th, I have altered the proclamation, and I have likewise inserted a clause (subject to the approval of Government) to notify the seizures and condemnation that would take place of all vessels found engaged in the trade, a notification calculated to alarm the slave merchants (from the prospect of a certain and immediate loss of property) more than the terrors of a distant prosecution and punishment of their persons, which in practice would be found could reach only to a very few.

With reference to the para. of your letter of the 7th, it appears to me that until the proposed Act is passed by the Supreme Government, the promulgation of any port regulations to be useful will be premature. They, as well as the proclamation, as far as regards the announcement of seizures, would be nugatory, and mere empty sounds and threats; I would therefore propose that the framing of any regulations should be delayed till after the passing of the Act, when a complete set may then be drawn up.

With respect to the 6th para. of your letter of the 7th, being of opinion, as already expressed in my last letter on this subject, that the local courts must be guided by the Act of Parliament in all cases of importation and exportation of slaves to and from the subordinate ports out of the jurisdiction of the Supreme Court, any regulations for their further guidance seem to me to be unnecessary. For slavery in the interior within the zillahs the regulations provide; but for the importation of slaves by sea into their ports, the local courts must adopt the provisions and regulations of the Act of Parliament, and punish according thereto. They cannot try the offences under the 10th section of the 5th Geo. 4, c. 113 (slave piracies), for want of an Admiralty jurisdiction, nor do I think they need ever try any case; for as there never can be an importation of slaves by sea into the subordinate ports without involving in it also the previous carrying of slaves on the high seas, no case could occur, as far as it strikes me, which the local courts could take cognizance of, which could not be tried in Bombay in the Supreme Court, under the Admiralty jurisdiction, for the higher offence of slave piracy; so that in practice the

No. 7.
BOMBAY.

jurisdiction of the local courts might not be found necessary to be called into exercise, the minor offence, too, merging in the higher.

The power of seizing vessels and slaves at subordinate ports the local authorities do not possess, as already intimated; but the power, if given, as proposed by the Act, will be the only really effectual method of suppressing the traffic, and that without the power all other attempts, I conceive, will be vain. Regulations and proclamations can only notify and make public the penalties incidental to it, and prosecutions reach and alarm only a few; but the seizing the property itself embarked in it will be cutting up the trade entirely.

With these observations I would recommend that the letter to the address of the resident in the Persian Gulf, which has been sent for my perusal and alteration, if necessary, should not be forwarded till it is seen whether the proposed Act will be passed by the Supreme Government; when, in the event of its being passed, the letter (should it then be deemed requisite) may be sent to me for revision.

Adverting to your letter of the 9th date, requesting my opinion as to the course to be pursued with regard to the three African children brought from Juddah, had the vessels out of which these children were taken been seized under lawful authority, the course, conformably to the Act of Parliament, would in such case have been the condemnation of the vessels and three slave children as forfeitures of the Crown, their enlistment either on the military or sea service, or their being bound out as apprentices. But the only course now, I think, is for Government to employ them in such ways as shall be thought most beneficial for the children, without they are returned to their country. Being now on British ground, they are free. I am not informed of their ages, but if old enough, their consent will be necessary to any service in which it may be proposed to employ them.

I have, &c.

(signed) A. S. Le Messurier,
Advocate-general.

Bombay, 16 August 1837.

DRAFT OF A PROPOSED ACT, referred to in the preceding Letter.

BE it enacted, that all ships, vessels, boats, slaves, or persons treated, dealt with, carried, kept, or detained as slaves, and all goods and effects that may become forfeited under the Act of 5 Geo. 4, c. 113, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave Trade," shall and may, within the limits of the East India Company's charter, be seized by any officer of customs in the service of the said Company, or by the commanders or officers of any of the ships or vessels belonging to the said Company's Indian navy; and moreover it shall and may be lawful for all governors of any of the territories, settlements, forts, or factories in the East Indies, belonging to, or under the government of the said Company, and for all persons deputed and authorized by any such governor, to seize and prosecute all ships, vessels, boats, slaves, or persons treated, dealt with, carried, kept, or detained as slaves, and all goods and effects whatsoever that shall or may become forfeited for any offence under the said Act.

And be it further enacted, that all persons authorized to make seizures under this Act shall, in making and prosecuting such seizures, have the like benefit and protection as are given by the said 5 Geo. 4 to all persons authorized to make seizures under that Act.

PROCLAMATION.

THE Governor in Council of Bombay having reason to believe that the traffic in slaves is carried on to a considerable extent by persons in Arab boats and vessels from the ports in the Red Sea and Persian Gulf, and other parts, importing slaves of both sexes and of various ages into the port of Bombay, and other ports and places subordinate to the Presidency of Bombay, and having determined to use every exertion to suppress the nefarious traffic, so disgraceful to humanity, hereby notifies and proclaims that all persons found guilty of such practices, or in any other manner offending against the laws for the abolition of the

the slave trade, shall be apprehended and prosecuted with the utmost rigour, and severely punished as the law directs, and the boats or vessels employed in the trade, together with the slaves and all the goods and property that may be found on board, shall be seized, and immediate steps taken for their condemnation and forfeiture, and the liberation of the slaves themselves. And to encourage the discovery of offenders, a reward is held out by the Act of Parliament of a moiety of the penalty of 100 l. sterling for each slave, to any person who shall inform and sue and prosecute for the same; but as a further encouragement to discovery, the Governor in Council of Bombay hereby notifies and proclaims that a reward of rupees shall be paid by Government to all persons who shall give information which shall lead to the apprehension and conviction of any offender, or to the seizure and condemnation of any vessel engaged in the trade.

No. 7.
BOMBAY.

(True extract.)

(signed) *W. H. Wathen,*
Chief Secretary.

(No. 2045 of 1837—Political Department.)

To the Acting Assistant in charge of the *Bushire* Residency.

No. 9.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you a copy of the treaty concluded by Captain Moresby of His Majesty's ship *Menai*, with his Highness the Imaum of Muscat, on the 29th August 1822, prohibiting, within certain limits, the slave trade.

2. In forwarding this document, the Governor in Council instructs me to request that you will endeavour to prevail on his Highness to extend the above treaty, so as to include in its provisions the provinces of Cutch and Kattywar. At present, vessels engaged in the slave trade are only liable to seizure if found to the eastward of a line drawn from Cape Delgado passing east of Socotra, and on to Diu Head, the western point of the Gulf of Cambay.

3. The Governor in Council does not, however, think this sufficient. It might, he is of opinion, be very difficult for the British power to assume generally the right of detaining and searching on the high seas vessels which there is reason to suspect of being engaged in the slave trade; but there can be no objection, he conceives, to the exercise of this right over the vessels of foreign powers, when it is conceded by treaty. You are therefore requested to endeavour to obtain from the Imaum the right of searching any vessels fitted out from his ports and open to the suspicion above mentioned.

4. Government are also desirous that the same privilege should be obtained from other Arabian potentates to whom we have access, and accordingly direct me to instruct you to take every opportunity for that purpose.

5. The Governor in Council is not inclined to confine you to any particular instructions for the attainment of the object in view, but is rather disposed to leave the supplying of the requisite details to your own good sense and activity.

I have, &c.

(signed) *W. H. Wathen,*
Bombay Castle, 30 October 1837. Chief Secretary.

(True copy.)

(signed) *W. H. Wathen,*
Chief Secretary.

ORDERED, That a copy of the foregoing despatch from the Chief Secretary to the Government of Bombay be sent to the Legislative Department, in order that

No. 7. the draft of an Act submitted therewith may be laid before the Legislative
BOMBAY. Council for consideration.

(True extract.)

(signed) *H. T. Prinsep,*
Secretary to the Government of India.

(No. 471.)

No. 22. From *R. D. Mangles*, Esquire, Officiating Secretary to the Government of India, to *J. P. Grant*, Esquire, Officiating Secretary to the Indian Law Commissioners, dated the 11th December 1837.

Sir,

Leg. I AM directed by the Honourable the President in Council to forward to you, for the consideration of the Indian Law Commissioners, the accompanying copies of papers received from the Government of Bombay, relative to the traffic in slaves, which is supposed to be carried on to a considerable extent in the ports upon the Malabar coast.

2. His Honour in Council requests that the Law Commissioners will put the Act proposed by the Government of Bombay, for the suppression of this traffic, into proper form, and return it with their reply to this letter.

I am, &c.

Council Chamber,
11 December 1837.

(signed) *R. D. Mangles,*
Officiating Secy to Government of India.

No. 11. EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Legislative Department, under date the 23d April 1838.

(No. 14.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council, in the Political Department, under date the 28th March 1838.

(No. 2422; duplicate.)

To the Secretary to the Governor-general of *India*; Camp.

Sir,

Pol. Department. WITH reference to Mr. Chief Secretary Wathen's letter, dated 30th October last, relating to the traffic in slaves, supposed to be carried on to a considerable extent by persons in Arab boats and vessels from the ports in the Red Sea and the Persian Gulf, I am directed by the Right honourable the Governor in Council to transmit to you, for the purpose of being submitted for the consideration of the Right honourable the Governor-general of India, extracts from the proceedings of this Government, regarding three slave boys taken out of two vessels at Judda, under English colours, namely, the *Francis Warden* and *Futteh Kurreem*, by Acting-commander Rogers, of the Honourable Company's brig of war *Euphrates*.

I have, &c.

(signed) *J. P. Willoughby,*
Secretary to Government.

Bombay Castle, 26 December 1837.

(Duplicate.)

LIST of DOCUMENTS forwarded with the Letter to the Secretary with the Right honourable the Governor-general of India, dated 26 December 1837.
(No. 2422).

No. 1. From the Superintendent of the Indian Navy, dated 3 April 1837, with enclosures.
No. 2. Reply to the Superintendent of the Indian Navy, dated 29 April 1837.

No. 3.

AND MEASURES TAKEN FOR ITS ABOLITION.

177

No. 7.
BOMBAY.

- No. 3. To the Senior Magistrate of Police, dated 30 April 1837.
- No. 4. From the Superintendent of the Indian Navy, dated 9 May 1837.
- No. 5. Reply to the Superintendent of the Indian Navy, dated 22 May 1837.
- No. 6. From the Acting Senior Magistrate of Police, dated 27 May 1837.
- No. 7. To the Superintendent of the Indian Navy, dated 12 June 1837.
- No. 8. From the Superintendent of the Indian Navy, dated 16 June 1837.
- No. 9. Memorandum by the Chief Secretary, dated 17 June 1837. Approved by the Board.
- No. 10. To the Superintendent of the Indian Navy, dated 17 July 1837.
- No. 11. To the Acting Magistrate of Police, dated 17 July 1837.
- No. 12. From the Acting Magistrate of Police, dated 21 July 1837, with enclosure.
- No. 13. Reply to the Acting Senior Magistrate of Police, dated 9 August 1837.
- No. 14. To the Advocate-general, dated 9 August 1837.
- No. 15. From the Superintendent of the Indian Navy, dated 30 September 1837; with enclosure.
- No. 16. To the Advocate-general, dated 8 November.
- No. 17. From the Advocate-general, dated 21 November 1837.
- No. 18. Minute by the Governor, subscribed by Mr. Farish, dated 2 December 1837.
- No. 19. Memorandum by the Secretary, dated 7 December 1837; approved by the Board.
- No. 20. To the Superintendent of the Indian Navy, dated 8 December 1837.

(signed) *J. P. Willoughby,*
Secretary to Government.

EXTRACT from the PROCEEDINGS of Government in the Political Department.

From Captain Sir *C. Malcolm*, Superintendent of the Indian Navy, to the Right honourable Sir *Robert Grant*, G.C.H. President and Governor in Council.

Right honourable Sir,

I HAVE the honour to lay before your Right honourable Board the accompanying letter from Acting-commander Rogers, of the Honourable Company's brig of war *Euphrates*, under date the 16th ultimo, reporting his having taken three slave boys out of the vessels which he found laying in Juddah Harbour under English colours, the one named the *Francis Warden*, the other the *Futteh Kurreem*.

No. 1.

2. I have also to forward the deposition of the three slave boys, with a copy of the registry of the ship *Futteh Kurreem*, which Commander Rogers reports has been since sold, but to whom he does not mention.

3. As it clearly appears that these vessels were found sailing under British colours with the British registers, I trust that Acting-commander Rogers has acted correctly and in conformity to law in taking the slaves from on board and sending them to Bombay. They have been brought by the *Hugh Lindsay*, and are still on board. I have therefore to request to be made acquainted with the pleasure of your Right honourable Board regarding their future disposal.

I have, &c.

(signed) *C. Malcolm,*
Rear Admiral, Superintendent of the Indian Navy.

Superintendent's Office, Bombay, 3 April 1837.

From Acting-commander *F. Rogers*, to Captain Sir *C. Malcolm*, Knt. Superintendent of the Indian Navy, *Bombay*.

Sir,

I HAVE the honour to inform you that, having received information that there were slaves on board a ship named the *Francis Warden*, lying in this harbour, which sails under British colours, is British registered, and is owned by *Sheik Dyebin Aia*, a resident in Bombay, I proceeded on board of the said ship, and there found an African boy named *Commise*, who, on my asking him the question, told me he was a slave, but afterwards, in the presence of his master

No. 7.
BOMBAY.

the nakodah Shaik Hawad, denied it. Conceiving his denying what he had before voluntarily stated to be the effect of restraint, I took him on board the Euphrates. The gunner of the vessel had pointed him out the day before to Lieutenant Porter as a slave, and on my desiring the nakodah to send his crew aft on the quarter-deck, all were sent but this boy, who was kept in the galley out of sight. This boy subsequently made the accompanying statement on board the Honourable Company's brig Euphrates, in the presence of the Rev. Mr. Wolff, R. Goff, Esq., and myself.

After this I visited the Futteh Kurreem, where I found two boys, one named Suigar, the other Salim, who told me they were slaves, on which I sent them to the Euphrates.

I examined the other two British registered ships, but they had no slaves on board.

You will perceive by the accompanying statements that one of these boys was lately taken on board to Mocha, and according to his own account, was to be sold at any place where a purchaser could be found.

I have not interfered in any way with the ships on board which these slaves were found, further than taking the boys out. I was informed by the Government agent at Mocha, Sheik Syel, that many ships from India, under English colours, particularly those from the Malayan peninsula, brought slaves to the ports of the Red Sea.

I have been induced to seize these slave boys, because the captains of the above-named vessels have acted contrary to almost every section of the 5 Geo. 4, c. 113, but I have not seized the vessels, as I am not aware how far Government might wish the matter prosecuted.

The Francis Warden, I am informed, sails from this to the Persian Gulf. The Futteh Kurreem returns to Penang, but I do not think either ship will quit this before the end of May.

With the permission of Commander Rowland, I have sent the three boys, Commise, Suigar, and Salim, to Bombay.

I beg leave to enclose the statements made by the boys, and also a copy of the pass of the Futteh Kurreem.

I have, &c.
(signed) *F. Rogers*,
Acting-commander.

H. C. Brig of War Euphrates,
Juddah Harbour, 10 March 1837.

P.S.—I have since learnt that the ship Futteh Kurreem, out of which I took the boys Suigar and Salim, has been sold.

(signed) *F. Rogers*.

The STATEMENT of *Salim*, a Boy taken out of the *Futteh Kurreem*.

I AM a slave; I was brought from Sanar to Suarkin, and from thence to Mocha, and there sold to Hoor sie Yoseph, who sent me on board the Futteh Kurreem, to be sold at this or any other place. I did not come with my own consent.

The above statement was made in our presence by the above-named boy,
2d March 1837.

(signed) *T. E. Rogers*, Acting-commander.
Joseph Wolff, Missionary.
Robert Goff.

The STATEMENT of *Suigar*, a Boy taken out of the *Futteh Kurreem*.

I AM a slave; my master the nakoda bought me at Mutra. I was taken to Java, Achen, and Penang, but never allowed to quit the ship. I receive no wages. I did not come with my own consent. I was told to go with my master. I was originally from another country. People came and spread dates and fat;
I was

I was hungry, and took some to eat; then they carried me away. I have neither father nor mother. I was sold for five dollars.

The above statement was made in our presence by the above-named boy,
2d March 1837.

(signed) *T. Rogers.*
Joseph Wolff, Missionary.
Robert Goff.

No. 7.
BOMBAY

The STATEMENT of *Commise*, a Boy taken out of the *Francis Warden*.

I AM a slave; I was purchased by my master, the nakodah of the ship, at Shaar; I was taken to Bombay and Bengal and brought to this place; I do not get any wages, and I expect to be sold whenever my master wishes to part with me. I have neither father nor mother.

The above statement was made in our presence by the above-named boy,
2d March 1837.

(signed) *T. E. Rogers*, Acting-commander.
Joseph Wolff, Missionary.
Robert Goff.

To whomsoever, subjects of his Majesty William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, defender of the faith, and so forth, and to all others whom these presents may concern; I, James William Salmond, Esq. Resident Councillor P. W. Island, by authority of the Right honourable George Lord Auckland, G. C. B. Governor-general of and for the presidency of Fort William in Bengal in Council, acting for and on behalf of the East India Company:

Whereas the barque "Futteh Kurreem," burthen about 254 tons, commanded by nakoda Syed Hoomer, belonging to Syed Hamud Bin Syed Hussain Aboof-tain, of Prince of Wales Island, is bound on a voyage with a cargo of sundries to Singapore, and the said Syed Hamud Bin Syed Hussain Aboof-tain hath requested the license of the said East India Company to be granted for that purpose: Now know ye, that by virtue of all and every the power in me vested, I do hereby grant a license for and in the name of the said East India Company to the said nakodah Syed Hoomer to proceed upon and throughout the said voyage, and require and command all persons within or belonging to this government, under the jurisdiction of the Governor-general of Fort William in Bengal, and I do desire all persons that are subjects, friends, and allies to his Majesty William the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, defender of the faith, and so forth, to suffer the said barque Futteh Kurreem to pass with the Company's goods and merchandise, without any let, seizure, or molestation whatever, provided this license and pass be in force, which is to cease and determine at the expiration of 12 months, or on the return of the said barque to the port of Prince of Wales Island, whichever shall first happen.—Given under my hand, and the large seal of the said Company, at Prince of Wales Island, this 22d day of November in the year of our Lord 1836.

(signed) *J. W. Salmond*, (Company's)
Resident Councillor. Seal.

Registered in the Record Office; No. 27. Prince of Wales Island, the 22d November 1836.

(signed) *Jehn Durjur*,
Clk. Record Office.

No. 7.
BOMBAY.

Prince of Wales Island Record Office,
9 December 1836.

Abdul Azis has now become master.

(signed) *J. W. Salmond,*
Resident Councillor.

(True copy.)

(signed) *T. E. Rogers,*
Acting-commander.

No. 2. From *J. P. Willoughby*, Esq. Secretary to the Government of *Bombay*, to the Superintendent of the Indian Navy, dated 29 April 1837.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter, dated the 3d instant, with its enclosures, regarding the three slave boys taken out of two vessels at Juddah, under English colours, named the Francis Warden and the Futteh Kurreem, by Acting-commander Rogers of the Honourable Company's brig of war Euphrates, and to request that you will make over the above children to the senior magistrate of police.

I have, &c.
(signed) *J. P. Willoughby,*
Secretary to Government.

Bombay Castle, 29 April 1837.

No. 2. From *J. P. Willoughby*, Esq. Secretary to Government of *Bombay*, to the Senior Magistrate of Police, dated 29 April 1837.

Sir,

I AM directed by the Right honourable the Governor in Council to inform you that the Superintendent of the Indian Navy has been requested to make over to your charge three slave boys taken out of the ships Francis Warden and Futteh Kurreem, sailing under English colours, by the Acting-commander of the Honourable Company's brig of war Euphrates, at Juddah, and to request you will send to Government a register of these children, stating at the same time how they can be disposed of.

I have, &c.
(signed) *J. P. Willoughby,*
Secretary to Government.

Bombay Castle, 29 April 1837.

No. 4. From Captain Sir *C. Malcolm*, Rear Admiral, Superintendent of the Indian Navy, to the Right honourable Sir *R. Grant*, G. C. H. President and Governor in Council, dated 9 May 1837.

Right honourable Sir,

WITH reference to Mr. Secretary Willoughby's letter of the 29th ult. No. 767, I have the honour to report that the three slave children therein alluded to, were, at their own request, on their arrival from the Red Sea, permitted to remain on board the Hugh Lindsay, and that in the hurry of dispatching that vessel to the Persian Gulf their removal was forgotten; they will, however, immediately on the return of the steamer, be made over to the senior magistrate of police as directed by your Right honourable Board.

I have, &c.
(signed) *C. Malcolm.*
Superintendent's Office, Bombay,
9 May 1837.

No. 7.
BOMBAY.

From *J. P. Willoughby*, Esq. Secretary to Government of *Bombay*, to the Superintendent of the Indian Navy, dated 22 May 1837.

Sir,

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter dated the 9th instant, and to inform you that, with their own free will, the three boys therein alluded to may be entered as volunteers on board the *Hugh Lindsay*, on the usual pay and allowances.

No. 5.

Bombay Castle, 22 May 1837.

I have, &c.
(signed) *J. P. Willoughby*,
Secretary to Government.

From *E. E. Elliot*, Esq. Acting Senior Magistrate of Police, to the Secretary to Government, dated 27 May 1837.

No. 6.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 768, dated 29th of last month, and to acquaint you, for the information of his Excellency in Council, that on my constable going to the Marine Office to receive charge of the African children taken out of the ships *Francis Warden* and *Futteh Kurreem*, he was informed that they had been detained on board the *Hugh Lindsay*, to form a part of her crew, and that the Superintendent of the Indian Navy had written to Government, requesting to be permitted to retain them.

Bombay Police Office.
27 May 1837.

I have, &c.
(signed) *E. E. Elliot*,
Acting Senior Magistrate of Police.

From *W. H. Wathen*, Esq. Chief Secretary to Government, to the Superintendent Indian Navy, dated 12 June 1837.

No. 7.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you copy of a letter from the acting senior magistrate of police, dated 27th ult. and to request that you will state whether the African boys therein alluded to, have of their own free will entered the service of Government.

Bombay Castle, 12 June 1837.

I have, &c.
(signed) *W. H. Wathen*,
Chief Secretary to Government.

From Captain Sir *Charles Malcolm*, Rear Admiral, Superintendent Indian Navy, to the Right honourable Sir *Robert Grant*, G.C.H. President and Governor in Council, dated 16 June 1837.

No. 8.

Right honourable Sir,

IN acknowledging the receipt of Mr. Chief Secretary Wathen's letter, No. 1148, of the 12th instant, with enclosure, I have the honour to state that on the return of the *Hugh Lindsay*, finding the three slave boys were not willing to remain longer on board, although the offer of pay was made to them, they were transferred to the charge of the senior magistrate of police, agreeably to the original instructions of your Right honourable Board, communicated in Mr. Secretary Willoughby's letter, No. 767, of the 29th April last.

I have, &c.
(signed) *C. Malcolm*,
Rear Admiral, Superintendent Indian Navy.
Superintendent's Office, Bombay,
16 June 1837.

No. 7.
BOMBAY.

MEMORANDUM by the Chief Secretary, dated 17th June 1837, approved by the Board.

No.

1. As the three slave boys alluded to in the letter from the Superintendent of the Indian Navy, dated the 16th instant, were not willing to remain on board ship, Sir C. Malcolm did right to make them over to the police magistrate, as originally ordered by Government.

2. Mr. Elliot should now be called upon to send in a register of these boys, as required in Mr. Secretary Willoughby's letter of the 29th April last, and to report how they can be disposed of.

3. When the above information is obtained, the advocate-general should (as before suggested by the Right honourable the Governor) be requested "to advise how Government should act" in this case.

17 June 1837.

(signed) *W. H. Wathen*,
Chief Secretary to Government.

No. 10.

From *W. H. Wathen*, Esq. Chief Secretary to Government *Bombay*, to the Superintendent of the Indian Navy, dated 17 July 1837.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 16th ult., reporting that the three slave boys taken out of the ships *Francis Warden* and *Futteh Kurreem*, have refused to remain any longer on board ship, and that you have in consequence made them over to the senior magistrate of police, and to inform you that the Right honourable the Governor in Council approves of your proceedings on the occasion.

I have, &c.

(signed) *W. H. Wathen*,
Chief Secretary to Government.

Bombay Castle, 17 July 1837.

No. 11.

From *W. H. Wathen*, Esq. Chief Secretary to Government *Bombay*, to the Acting Senior Magistrate of Police, dated 17 July 1837.

Sir,

WITH reference to your letter, dated 27th May last, relative to the three African boys taken out of the ships *Francis Warden* and *Futteh Kurreem*, I am directed by the Right honourable the Governor in Council to request that you will forward a register of these boys, as required in Mr. Secretary Willoughby's letter of the 9th April last, and to report how they can be disposed of.

I have, &c.

(signed) *W. H. Wathen*,
Chief Secretary to Government.

Bombay Castle, 17 July 1837.

No. 12.

From *E. E. Elliot*, Esq. Acting Senior Magistrate of Police, to the Chief Secretary to Government, dated 21 July 1837.

Sir,

I HAVE the honour to acknowledge the receipt of your letter, No. 1332, of the 17th instant, and to enclose the register roll of the African boys therein called for.

They objected strongly to go into Christian families, and I therefore made over charge of them to two respectable Mussulmans, *Furzhydar Bace Meeya* and *Hyder Ali Cassimjee*, who each entered into an agreement to protect, feed, and clothe them, and to assign them suitable wages for their labour.

I have, &c.

(signed) *E. E. Elliot*,
Acting Senior Magistrate of Police.

Bombay Police Office,
21 July 1837.

REGISTER of African Children taken from the ships *Francis Warden* and

FUTTEH KURREEM.

No. 7
B O M B A

No.	Names.	Age.	Sex.	Country.	To whom delivered.
1	Sengaoor -	10	Male -	Zanzibar -	Furzhydar Bae Meeya.
2	Salim -	13	ditto -	ditto -	Hyder Alli Cassimjee.
3	Kamiss -	12	ditto -	ditto -	ditto - ditto.

Bombay Police Office,
21 May 1837.(signed) *E. E. Elliot*,
Acting Senior Magistrate of Police.From *W. H. Wathen*, Esq. Chief Secretary to Government of *Bombay*, to the
Acting Senior Magistrate of Police, dated 9 August 1837.

No. 13.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 21st ult., forwarding a register roll of the three African boys taken out from the ships *Francis Warden* and *Futteh Kurreem*, and stating that in consequence of their refusing to go into Christian families, you have given them over to two respectable Mussulmans, who have entered into an agreement to protect, feed, and clothe them, as also to assign suitable wages for their labour, and to inform you that, under the peculiar circumstances stated, the Right honourable the Governor in Council approves of the arrangement.

I have, &c.

(signed) *W. H. Wathen*,
Chief Secretary to Government.

Bombay Castle, 9 August 1837.

From *W. H. Wathen*, Esq. Chief Secretary to the Government of *Bombay* to
the Advocate-general, dated 9 August 1837.

No. 14.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you the accompanying copy of a letter from the Superintendent of the Indian Navy, dated the 3d April last, and of its enclosures, regarding three African children taken out of two vessels at Juddah, under English colours, named *Francis Warden* and *Futteh Kurreem*, by Acting-commander Rogers, of the Honourable Company's brig of war *Euphrates*, and to request that you will be pleased to inform Government what course, in your opinion, should be pursued in this case.

I have, &c.

(signed) *W. H. Wathen*,
Chief Secretary to Government.

Bombay Castle, 9 August 1837.

From Captain Sir *C. Malcolm*, Rear Admiral and Superintendent of the Indian Navy, to the Right honourable Sir *R. Grant*, G. C. H. President and Governor in Council, dated 30 September 1837.

No. 15.

Right honourable Sir,

I BEG to forward a letter from Acting-commander Rogers, and as I do not exactly understand the import of the letter of the advocate-general, which accompanied Mr. Chief Secretary Wathen's letter, under date the 28th of

No. 7.
BOMBAY.

August last, I would beg to be informed how the commander of a vessel of war should act on falling in with ships under English colours, which may have slaves on board.

Bombay, 30 September 1837.

I have, &c.
(signed) *C. Malcolm*,
Rear Admiral, Superintendent Indian Navy.

From *F. Rogers*, Esq. Acting-commander Honourable Company's Ship of War *Amherst*, to Rear Admiral Sir *C. Malcolm*, Knt. Superintendent Indian Navy, dated 29 Sept. 1837.

Sir,

As the Honourable Company's sloop of war "*Amherst*," under my command, is fitting out for the Persian Gulf, where she is likely to fall in with English vessels, having persons on board similarly situated to those I thought it my duty to take out of the ships *Francis Warden* and *Futteh Kurreem*, and send to the presidency whilst those vessels were lying in Juddah Harbour on the 28th of February last, as stated in my letter to your address, dated Juddah, March 10th, 1837; I respectfully solicit you will be pleased to inform me in what way I am to act, should I again meet with vessels similarly situated to those named above.

I have, &c.
(signed) *F. Rogers*,
Acting-commander.

Bombay Harbour, 29 Sept. 1837.

No. 16.

From *W. H. Wathen*, Esq. Chief Secretary to the Government of *Bombay*, to the Advocate-general, dated 8 November 1837.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you copy of a letter from the Superintendent of the Indian Navy, dated the 30th September last, forwarding one from Acting-commander *Rogers*, and to request that you will favour Government with your opinion as to how the commander of a vessel of war should act on falling in with ships under English colours which may have slaves on board.

I have, &c.
(signed) *W. H. Wathen*,
Chief Secretary to Government.

Bombay Castle, 8 Nov. 1837.

No. 17.

From *A. S. Le Messurier*, Esq. Advocate-general, to the Secretary to Government, dated 21 November 1837.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 8th inst. with its enclosures, requesting my opinion as to how the commander of a vessel of war (of the Company's navy, I presume) should act on falling in with ships under English colours, which may have slaves on board.

Referring to the opinion I formerly gave (letter dated 16th August last), on the subject of seizing slave vessels, I would observe, that if the Supreme Government pass the Act proposed, for empowering the vessels of the Company's navy to make seizure of ships for a breach of the slave laws, no very long period can elapse before the power will be possessed; but that, should it refuse to do so, it will, I conceive, be a virtual declaration on the part of the Government of India that the Company's vessels should not interfere in the matter; and I therefore would recommend, in the meantime, the commander of any of the Company's vessels not to act at all in the business. The British Legislature, by omitting to give the power of seizure to authorities in India under the Company, seems to have proceeded on some grounds of policy in

in so doing; especially as by the late Charter Act it has expressly recognized and sanctioned the existence and continuance of slavery within the British territories in India.

No. 7.
BOMBAY

Bombay, 21 Nov. 1837.

(signed) I have, &c.
A. S. Le Messurier,
Advocate-general.

MINUTE by the Right honourable the Governor, subscribed to by the Honourable Mr. Farish.

No. 18.

SIR CHARLES MALCOLM should be instructed agreeably to the advocate-general's opinion.

I must however, observe, though not for communication, that I do not concur in Mr. Le Messurier's concluding argument.

"Slavery" and a "trade in slaves," are two very distinct things, and the toleration which (for a season) the Charter Act extends to the former, implies no sanction whatever of the latter.

I believe we have already pressed on the Government of India the passing of an Act to authorize the seizure of slave-trading vessels on the high seas.

2 December.

(signed) R. Grant.

MEMORANDUM by the Political Secretary, dated 7 December.

No. 19.

I RESPECTFULLY suggest, that copy of the further proceedings on this subject be forwarded to the Government of India for consideration.

(signed) J. P. Willoughby,
Secretary to Government.

From J. P. Willoughby, Esq. Secretary to the Government of Bombay, to the Superintendent of the Indian Navy, dated 8 December 1837.

No. 20.

Sir,

IN reply to your letter of the 30th of September last with its enclosure, soliciting information as to how the commander of a Company's vessel of war should act on falling on with ships under English colours, which may have slaves on board, I am directed by the Right honourable the Governor in Council to transmit to you the accompanying copy of a communication from the advocate-general, dated the 21st ultimo, submitting his sentiments on the subject, and to request that you will be pleased to forthwith issue instructions in conformity with the opinion expressed by that officer.

Bombay Castle, 8 Dec. 1837.

(signed) I have, &c.
J. P. Willoughby,
Secretary to Government.

(True extract).

(signed) J. P. Willoughby,
Secretary to Government.

To J. P. Willoughby, Esq. Secretary to the Government of Bombay.

Sir,

THE Honourable the President in Council having observed in the duplicate copy of a communication made to the Governor-general, under date the 26th ultimo, No. 2422, that three slave boys taken from ships sailing under British colours, Political Department.

No. 7.
BOMBAY.

colours, were made over to Mahomedan families, under an engagement that they should be provided with clothing, I am directed to request information as to the nature of these engagements. The draft of Act forwarded from Bombay, connected with this subject, being now under consideration in the Legislative Council, it appears to be of importance that the Government should be informed of the means of providing for persons redeemed from slavery that may be available, and the manner of using them.

2. The President in Council particularly desires to know whether there is any fixed limit to the period of the apprenticeship in which these boys have been bound, and what means have been taken to secure their freedom after its expiration, or when the boys may come of age.

I have, &c.

(signed) *H. T. Prinsep,*

Secretary to Government of India.

Fort William, 24 Jan. 1838.

(No. 383.)

To the Secretary to the Government of *India, Fort William.*

Sir,

Political Department.

I AM directed by the Right honourable the Governor in Council to acknowledge the receipt of your letter dated the 24th ult., requesting information as to the nature of the engagement under which the three slave boys taken out of the ships Francis Warden and Futteh Kurreem, sailing under British colours, were made over to Mahomedan families, and to transmit to you, for the purpose of being laid before the Honourable the President in Council, copies of the agreements entered into by the parties to whose charge the boys in question were made over.

I have, &c.

(signed) *J. P. Willoughby,*
Secretary to Government.

Bombay Castle, 28 Feb. 1838.

I, Fuzhyduo Bhaee Meeya, do hereby agree to protect, feed, and clothe Sengaor, and employ him as a domestic servant, and also agree to assign him suitable wages for his trouble and labour. Bombay, 4th day of July 1837.

Pr. — — — —

(signed) *Fuzheder Bhaee Meeya.*

I, Hyder Ally Cassimjee, do hereby agree to protect, feed, and clothe Salim and Kamiss, and employ them as domestic servants, and also agree to assign them suitable wages for their trouble and labour. Bombay, 8th July 1837.

P. — — — —

(signed) *Hyder Ally Cassimjee.*

(True copies).

(signed) *J. P. Willoughby,*
Secretary to Government.

ORDERED, That copies of the foregoing correspondence with the Secretary to the Government of Bombay be transmitted to the Legislative Department, in continuation of the extract from this department, dated 22d of November last.

(A true extract).

(signed) *H. V. Bayley,*
Officiating Deputy Secretary to Government of India.

(No. 140).

No. 7.
BOMBAY.

From *R. D. Mangles*, Esq., Officiating Secretary to the Government of *India*, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated the 29d April 1838.

No. 12.

Sir,

IN continuation of my letter of the 11th December last, No. 471, to the address of Mr. Grant, and as it appears from entry No. 2, in paragraph 6 of Mr. Officiating Secretary Grant's letter of the 30th ultimo, that a report upon the subject is under preparation by the Indian Law Commissioners, I am directed by the Honourable the President in Council to forward to you, for the consideration of the Commissioners, the accompanying copy of an extract Political Department, dated the 28th ultimo, containing correspondence with the Government of Bombay, relative to three slave boys taken out of two vessels at Judda under English colours.

Legislative Department.

I have, &c.

(signed) *H. D. Mangles*,

Officiating Secretary to the Government of India.

Council Chamber, 23 April 1838.

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of *India* in Council, in the Legislative Department, under date the 3d September 1838.

MINUTE by the Honourable *A. Amos*, Esq., dated

No. 9.

THE principal points to be considered are, whether the 43d section of the Act comprehends all the persons whom it is desirable to entrust with the seizure of slave ships at Bombay? and whether there is any inconvenience in extending the list as in the proposed Act? and whether there is any ambiguity in the designation of the persons to whom the power of seizure is extended by the proposed Act?

(signed) *A. Amos*.*Fort William*, Legislative Department, the 4th June 1838.

No. 10.

DRAFT OF ACT.

Resolution.

READ the English statute 5 Geo. 4, c. 113. Resolved, that for the better execution of the penal provisions of the said English statute for the abolition of the slave trade, it is requisite to make some new provisions respecting the persons authorized to carry the said statute into execution, by making seizures and otherwise within the limits of the Honourable East India Company's charter. Resolved, that for such purpose the following Act be published, as nearly as possible in the terms of the said statute.

1. It is hereby enacted, That all ships, vessels, boats, slaves, or persons treated, dealt with, carried, kept, or detained as slaves, and all goods and effects that may become forfeited under the English statute of 5 Geo. 4, c. 113, intituled, "An Act to amend and consolidate the Laws relating to the abolition of the Slave Trade," shall and may, within the limits of the East India Company's charter, be seized by any officer of customs in the service of the said Company, or by the commanders or officers of any of the ships or vessels belonging to the said Company's Indian navy; and, moreover, it shall and may be lawful for all governors of any of the territories, settlements, forts or factories in the East Indies belonging to or under the government of the said Company, and for all persons deputed and authorized by any such governor, to seize and

No. 7.
BOMBAY.

prosecute all ships, vessels, boats, slaves or persons treated, dealt with, carried, kept, or detained as slaves, and all goods and effects whatsoever that shall or may become forfeited for any offence under the said statute.

2. And it is hereby enacted, That all persons authorized to make seizures under this Act shall, in making and prosecuting such seizures, have the like benefit and protection as are given by the said statute of 5 Geo. 4, to all persons authorized to make seizures under that statute.

(signed) *R. D. Mangles,*
Officiating Secy to Government of India.

(No. 393.)

No. 11.

From *R. D. Mangles*, Esq. Officiating Secretary to the Government of India, to *W. H. Macnaghten*, Esq. Secretary to the Government of India with the Governor-general; dated the 4th June 1838.

Sir,

Legislative Department.

Extracts Political Department:
dated the 22d Nov. 1837.

Extracts Pol. Department:
dated 28th March 1838.

Minute by the Hon. A. Amos,
Esq. not dated.

I AM directed by the Honourable the President in Council to forward to you, to be laid before the Right honourable the Governor-general of India, the accompanying papers in original, as noted on the margin, together with the draft of a proposed Act for the suppression of the trade in slaves in the territories within the limits of the East India Company.

2. His Honour in Council solicits the sanction of the Governor-general to the Draft Act being published for general information, and requests that if his Lordship should approve of the provisions of the proposed Act, his assent to its being passed without any essential alteration may at the same time be communicated.

3. You will be pleased to return the original papers with the Draft of Act sent herewith, with your reply.

I have, &c.

(signed) *R. D. Mangles,*
Officiating Secy to the Government of India.

Fort William, 4 June 1838.

No. 12.

From *W. H. Macnaghten*, Esq. Secretary to the Government of India with the Governor-general, to *T. H. Maddock*, Esq. Officiating Secretary to the Government of India; dated the 9th August 1838.

Sir,

Legislative.

I AM directed to acknowledge the receipt of Mr. Mangles' letter, No. 393, dated the 4th June last, submitting, for the Governor-general's sanction for publication, draft of a proposed Act for the suppression of the trade in slaves in the territories within the limits of the East India Company, together with correspondence on the subject.

2. In reply, I am desired to state that the Governor-general would hesitate before he proceeds to legislate on this very difficult and delicate subject, and would wish to obtain further information as to the necessity and expediency of the proposed provisions.

3. The particular cases given by the Bombay Government to show the necessity of any such Act, are exceedingly weak; and before legislating with a view to the suppression of the traffic in slaves, the Governor-general would desire to know whether such traffic is actually carried on at the ports within the Company's territories. The Bombay Government should, therefore, be requested to furnish further particulars on this point, and to state all the instances that may have occurred of the discovery of such traffic.

4. His Lordship apprehends, that the Supreme Government cannot legislate either for the ports of independent princes, or for the high seas; and that it is only competent to the Governor-general in Council to legislate for places within the Company's territories; but on this point his Lordship would wish a reference to be made to the advocate-general for his opinion.

5. His Lordship thinks, that the Bombay Government should be requested to

to state whether the remedy would, in their opinion, be efficacious, if the power proposed to be conferred were limited to seizures on shore before the slaves are shifted to the interior, and still more if it were extended to harbours.

6. There is one point to which, as being very important, his Lordship would wish to attract the particular attention of his Honor in Council. The Act is designed to guard against traffic in slaves, but his Lordship apprehends that, as now worded, the Act might be construed to mean that an Arab captain bringing to a British port a domestic slave in ordinary attendance upon him, is liable to the penalty prescribed in the proposed Act. Such a construction should be guarded against if possible, though his Lordship is aware that discrimination may be difficult.

7. His Honor in Council is requested, should he see no objection, to make the references suggested in this letter, and to favour his Lordship with his sentiments on the proposed Act, after the replies to such references shall have been received and considered,

8. The original documents which accompanied the letter now acknowledged are, in the meantime, herewith returned.

I have, &c.
(signed) *W. H. Macnaghten*,
Secretary to the Government of India
with the Governor-general.

Simla, 9 August 1838.

(No. 46.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council,
in the Political Department, under date the 15th August 1838.

No. 13.

(Duplicate.)

(No. 1348.)

To the Secretary to the Right honourable the Governor-general of
India ; Camp.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you, for submission to the Right honourable the Governor-general of India, copy of the correspondence noted in the margin, regarding the slave trade carried on at the ports in the Persian Gulf.

I have, &c.

(signed) *L. R. Reid*,

Acting Chief Secy to Government.

Bombay Castle, 11 July 1838.

1. From the Officiating Resident, Persian Gulf, dated 24th 1837, with Enclosure.
2. Reply to, dated 9th Dec. 1837.
3. From the Officiating Resident, Persian Gulf, dated 10th J 1838.
4. Reply to, dated 6th March 1838.
5. From the Acting Assistant in Charge, Resident, Persian G dated 28th February, with Enclosure.
6. To the Officiating Resident, Persian Gulf, dated 16th A 1838.
7. From the Officiating Resident, Persian Gulf, dated 28th A 1838, with Enclosure.
8. Reply to, dated 11th July 1838.

Pol. Dept.

From the Officiating Resident in the *Persian Gulf*, to the Political Secretary to
Government, *Bombay*; dated 24 September 1837.

No. 1.

Sir,

ENCLOSED I have the honour to forward, for the information of the Right honourable the Governor in Council, the copy of a statement made to me by an individual named Abdullah Bin Iwuz (who professes to be a person of some rank, from the African coast), regarding the alleged outrageous proceedings of the crews of some Joasmee boats, in having carried off from Burburrah 233 girls under the pretence of marriage, and subsequently disposing of them as slaves, upon the return of their vessels to the Gulf.

2d. Upon receiving that declaration, I sent for Mahomed Bin Iwwuz, the agent of Sheik Sultan Bin Suggur, and having brought to his notice the ninth article of our treaty with the pacificated Arabs, inquired whether he could afford

No. 7.
BOMBAY.

any explanation on the subject of Sheik Abdullah's complaint. In reply, he denounced the whole statement, both with reference to the abduction of the girls and the robbery of the complainant on his voyage to Rasel Khymah, as an unqualified falsehood. He said he did not deny the fact of slaves having been brought up from the coast of Barburah, but he declared that they have been regularly purchased from two tribes in the neighbourhood at war with each other, who were in the habit of selling all the prisoners that fell into their hands. He concluded by saying that Abdullah Bin Iwuz was an impostor, without any letters or credentials; and that had Sheik Sultan been willing to make him a small present, he would have taken his departure back to Muscat and said nothing further upon the subject. He (the agent) was, however, quite sure, that if the complainant's statement could be proved to be founded on fact, that his superior, the Joasmee chief, would do anything that was just.

3d. Although I do not think that the subjects and dependents of the Sheik of Rasel Khymah are likely to be very scrupulous as to the means by which they obtain their slaves, still the statement of Abdullah Bin Iwuz appears to me in some respects exceedingly improbable. I am inclined to suspect that the unfortunate individuals mentioned in the first paragraph were made prisoners by one of the belligerent tribes before adverted to, and actually sold by the victors to the Joasmees; and that Abdoollah Bin Iwuz, being in some way connected with the defeated party, had been instructed by the friends of the captives to obtain if possible their liberation from bondage. This, however, is mere conjecture; but upon receipt of replies to the communications I have addressed to the agents at Sharjah and Muscat, I trust that the real facts of this case may eventually be elicited. In the meanwhile, I have informed Abdoollah Bin Iwuz that his statement would be laid before the Government, and that in the event the robbery alleged to have been committed by the crew of the boat which conveyed him from Muscat being satisfactorily traced to any of the subjects of Sheik Sultan Bin Suggur, steps would be taken to obtain either the restitution of his property, or the payment of its value.

I have, &c.

(signed) S. Hennell,
Officiating Resident in the Persian Gulf.

STATEMENT of *Sheikh Abdoollah Bin Iwuz*, calling himself a Native of the Coast of *Burburah*, made to the Officiating Resident in the *Persian Gulf*, 23d September 1837.

THAT about four months ago, while he was on a visit to Muscat for the arrangement of some commercial affairs between his people and the Imam's subjects, he received letters from Burburrah, complaining that the Joasmees had carried off from that place 233 unmarried girls, and having brought them up the Gulf, had there disposed of them as slaves. These communications further directed him to proceed to Rasel Khymah, and in the event of Sheikh Sultan Bin Suggur not liberating the captives, he was to go on to Bushire and lay the whole of the circumstances before the resident. That, in pursuance of these instructions, he had embarked on a Taah boat, with a crew of seven men, commanded by a man named Khumees, said to be bound for Rasal Khymah. In the course of the voyage questions were put to him as to his objects in visiting the Joasmees Sheikh, which he was imprudent enough to detail at length. The consequence was, that the crew at first proposed to put him to death; but, at the recommendation of the nakoda, they contented themselves with stripping him of his property and letters, and then putting him on shore in the neighbourhood of Ras Jibbul. The articles taken from him consisted of those mentioned in the margin. The deponent continued his statement by saying, that having procured a passage to Lingah, he proceeded over from that port to Rasel Khymah, and made his complaint to Sheikh Sultan Bin Suggur, who told him to have patience and he would afford him redress. In the meanwhile, two individuals, belonging to Rasel Khymah and Shargah, shipped off the greater part of the girls who had been kidnapped on board a bugla and bateel, and sent them to Koweet, Bushire, and Bussorah, for sale. On this being reported to their chief,

block, sword,
dagger, one pistol,
and a basket of
clothes.

chief, he immediately ordered a list to be made out of the individuals in whose possession these unfortunate persons had been, and under the pretence of affording compensation for the irregular conduct of his people, he made them pay him a fine of 10 dollars upon each slave, which he said was to be given to the complainant. This money, however, had no sooner been collected than the Sheikh offered the complainant 200 crowns to say nothing further on the subject, which offer was refused. The deponent further states, that not the slightest attention was paid to his complaint, regarding the treatment he had experienced from the people of the boat, by the Joasmee chief. At last, finding he could get no redress from Sheikh Sultan, he proceeded on to Shurga, and laid his case before Moolah Hossein, the agent there, who promised to write to the resident upon the subject.

Upon a cross-examination, the deponent at once acknowledged that the Joasmecs had not carried off the girls from Burburrah by force, but that having persuaded them to come on board under a promise of making them their wives, they had on their arrival on the Gulf disposed of them as slaves. The deponent further stated, that the Joasmecs had bribed a native of Burheah, named Muttee, to write a letter to Sheikh Sultan Bin Suggur, to the effect that the girls carried away were all regularly purchased; but that when the inhabitants of the place found out how they had been deceived, and their relations made slaves, this person was immediately put to death by them for his treachery. The deponent concluded his statement by requesting that the resident would take measures for obtaining the liberation of the individuals who had been carried away from their native country in this treacherous and shameful manner.

(True copy of Statement.)

(signed) *S. Hennell*,
Officiating Resident in the Persian Gulf.

Residency in the Persian Gulf,
Bushire, 24 Sept. 1837.

No. 2.

(No. 2303 of 1837.)

To Captain *S. Hennell*, Acting Resident, *Bushire*.

Sir,

WITH reference to your letter dated the 24th September last (No. 84), with enclosure, regarding the abduction of a number of girls from the coast of Burburrah, by the Joasmecs, and of their having been sold as slaves, I am directed to acquaint you that the Right honourable the Governor in Council will await your further report on the subject. In the meantime, however, the Governor in Council requests that you will favour Government with your opinion as to the practicability or otherwise of inducing his Highness the Imam of Muscat, and the Arab chiefs in the Gulf, to prohibit the traffic in slaves altogether.

I have, &c.
(signed) *J. P. Willoughby*,
Secretary to Government.

Bombay Castle, 9 December 1837.

No. 3.

To *J. P. Willoughby*, Esq., Secretary to Government in the Political Department.

Sir,

10 January 1838.

I HAVE the honour to acknowledge the receipt of your letter (No. 2303), in this department, under date the 9th ultimo, upon the subject of the alleged abduction of a number of girls from the coasts of Burburrah, by the Joasmecs (as reported by me in a former communication), and at the same time conveying the

No. 7.
BOMBAY.

the desire of the Right honourable the Governor in Council that I should submit my opinion as to the practicability or otherwise of inducing his Highness the Imam of Muscat, and the Arab chiefs in the Gulf, to prohibit the traffic in slaves altogether.

2. In reply, I have the honour to report, for the information of the Right honourable the Governor in Council, that not having yet received any answers to the inquiries I directed to be instituted by the agents at Shurgah and Muscat, into the truth or falsehood of the allegations made by Mahommed Bin Iowwuz (the professed Burburrah agent) regarding the proceedings of the Joasmees on the African coast, it is not in my power at present to afford the Government satisfactory information upon the point. I trust, however, that upon my arrival at Muscat, when returning to Bushire, I shall be enabled to make a full report upon the subject.

3. With reference to the latter part of your communication, it is with much diffidence I state, for the information of the Right honourable the Governor in Council, that after much deliberate consideration of the question, I am reluctantly led to the conclusion that, in the first place, it would be impracticable to induce his Highness the Imaum of Muscat, and the Arab chiefs in the Gulf, to put an end to the traffic in slaves, without such a large pecuniary sacrifice being made on the part of the British Government, as would most likely be considered altogether inexpedient; and in the second place, that were such a sacrifice made, the humane and philanthropic objects of the Right honourable the Governor in Council would still be defeated by further impediments and difficulties, for which I fear no remedy could be found.

4. Of the chiefs in the Persian Gulf, with whom (unless as a matter of expediency alone) we could assume to ourselves any right to interfere directly in the question of the slave trade, the only ones are those who are members of the general treaty negotiated in 1820, by Major-General Sir W. G. Keir, namely, the Joasnee, Benijas, and Uttoobee Sheiks. The ninth article in this document declares "the carrying off (lit. plundering) of slaves, men, women, and children, from the coasts of Africa, or elsewhere, and the transporting (lit. embarking) them in vessels, is plunder and piracy, and the friendly Arabs shall do nothing of this nature (lit. shall not agree to this thing)." This declaration, however strongly the English translation may appear expressed, was considered so ambiguous, that it was not acted upon by the British officer who was appointed to the superintendence of our political relations in the Gulf, shortly after the treaty had been signed by the respective chiefs before referred to. Since that date, a period of 17 years has passed over without the question having been agitated, and thus the several parties concerned have acquired a sort of presumptive right to consider that the ninth article was inserted solely with the view of guarding against the forcible carrying away of individuals for the purpose of selling them as slaves, and not meant to prohibit altogether a traffic which is not only in accordance with the letter and spirit of their religion, but which long continuance and custom have rendered almost indispensable to their domestic comfort.

5. Assuming, however, that the ninth article before referred to, bears the interpretation best suited to our views and policy, and that our right to act upon it, although allowed to be so long in abeyance, is nevertheless liable to be called into operation whenever we may consider it expedient to do so, still, it must be borne in recollection, that even on the Arabian side of the Persian Gulf alone, neither his Highness the Imam, nor the chief of Sobar Katief, or Koweet, are parties to this treaty, and therefore their consent to a total prohibition of the traffic in our fellow-creatures could only be obtained by means of negotiation, and the offer of such advantages as would in their estimation compensate for the loss they sustained in the surrender of a practice, uniting both profit and commerce. I believe myself that a great proportion of the income of his Highness the Imaum is drawn from this source; and I understand he has declared, that in consequence of his having allowed himself to enter into the agreement with Captain Moresby, of the Royal Navy, engaging to prohibit the slave trade with European powers, within certain limits, he has sustained a diminution in his revenues, to the extent of 100,000 crowns, and that he is resolute in his determination not to afford any further concessions upon this point. But, even admitting that either through our influence, or the payment of an annual pecuniary compensation, the parties alluded to consented to enter

into.

into an engagement for the total suppression of the slave trade, I fear that the attainment of the humane objects contemplated by the Government would be still as distant as before. My reason for entertaining this opinion is that the effect of the prohibition, if it could be enforced in the ports of the Arabian side of the Gulf, would be to throw the whole of this nefarious traffic into the hands of the inhabitants of Bussorah, and Muhmurra (subjects of the Ottoman Porte), and those of Bushire, Congoon, Aseilo, and Sirgah, the principal sea-our ports of Persia. It is unnecessary to observe, in the present state of relations with both these governments, no interdiction of the traffic in question could be carried into effect unless under the express sanction of their respective authorities. Taking, however, into consideration, that the sale and purchase of slaves is not only permitted by the tenets of their faith, but that the discontinuance would greatly abridge what habit and custom have led their subjects to value as domestic convenience, I venture to think that, for some time at least, it is hopeless to look for such a sanction being afforded. In addition to these impediments, I may also advert to the probability that were the inhabitants in the Gulf to relinquish the traffic at present carried on in slaves, the place of their vessels would be immediately occupied by those from the Red Sea, the coasts of Mekran, Scinde, &c. It may at the same time be reasonably anticipated that even those powers whose consent to our views may be exacted or purchased, will exhibit little more than a nominal adherence to their engagements, unless compelled to do so by our own maritime force. This, however, would involve the necessity of greatly augmenting the number of vessels of war employed in those seas, and in all probability be attended with the constant risk of entangling us in disputes with the local governments dependent upon Persia, Turkey, and Egypt.

6. I cannot conclude my observations without adverting to the opinions held upon the subject by the late Captain M'Leod when resident in the Persian Gulf; and as these are in a great measure corroborative of my own views, I now respectfully submit an extract from a despatch addressed by that officer to the Government, dated the 27th February 1823. After alluding to the wording of the ninth article of our treaty with the pacificated Arabs, Captain M'Leod continues as follows: "But in whatever sense the words of the treaty may be understood by either party, I am convinced that our utmost endeavours to abolish the slave trade amongst the parties of the treaty will be ineffectual, as long as the other powers of the Gulf persist in it. We may, perhaps, put a stop to the carrying off of slaves, but their purchase and transport we can never prevent. The slaves will be disguised and concealed in a thousand ways, so that it will be impossible for us to detect them; and I doubt whether more harm than good might not be done to the cause of humanity by stopping boats and searching them for slaves, because it would in all cases occasion such disgust and offence, as would involve a great risk of a renewal of hostilities.

"I do not believe that any of the parties to the treaty do carry off slaves, all those they possess being purchased at Muscat and other places; but, at all events, it would be difficult, even in the former case, to detect them; in the latter, next to impossible: and, with all our efforts, we shall find it impracticable to put a stop to a traffic which is sanctioned by their religion and by immemorial custom, unless it were relinquished by the common consent of the whole of the chiefs of the Gulf.

The slaves are frequently brought direct from the African coast.

"Convinced as I am of the inefficacy of this article of the treaty, which has not yet been acted upon, and of the dangers of attempting to carry it into effect, I am compelled with much reluctance to recommend that it should not be enforced except in very glaring cases, or at least its sense should be considered as confined to the carrying off of slaves, and not including their purchase or transport.

"It is gratifying to humanity to know that slaves are not only extremely well treated and protected by their Arab masters, but that they even enjoy a very considerable degree of power and influence. I remarked that they were every where the stoutest and best fed men, and that they seemed happy and comfortable. I must not, however, omit to mention an exception which occurred at Bahrein, where two slaves sought refuge on board the Ternate, from the cruelty, as they said, of the master. They were not, however, received; and we had no means of ascertaining the merits of the case. Much as it is to be desired that this horrid traffic should be abandoned throughout the world, we

My own personal observation fully confirms the statement.

must, I fear, confess that the cruel treatment of the slaves has been the reproach rather of European than of Eastern nations."

I have, &c.

(signed) S. Hennell,

Acting Resident in the Persian Gulf.

No. 4.

To the Resident, *Persian Gulf*.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 10th ult., on the subject of the alleged abduction of a number of girls from the coast of Barbara by the Joasmees, and stating your sentiments as to the practicability of inducing his Highness the Imaum of Muscat, and the Arab chiefs in the Gulf, to prohibit the traffic in slaves altogether, and to communicate to you the following observations and instructions thereon.

2. Although the Government entertains little hope of putting an end to this execrable traffic in the Gulf, yet I am desired to request that you will, as far as may be in your power, oppose any case of enormity that falls within your notice, and that you will on all occasions express to the Arab chiefs the detestation with which the British Government behold, in the slave trade, the offending inhabitants of any country forcibly taken from their homes, and separated for ever from their parents, connexions, and people, and carried off to be sold as slaves to strangers in a distant land.

The Government will await your further report on the subject, as stated in my letter of the 9th December last.

I have, &c.

(signed) J. P. Willoughby,
Secretary to Government.

Bombay Castle, 6 March 1838.

To J. P. Willoughby, Esq. Secretary to Government.

Residency in the Persian Gulf, Bushire,
28th February 1838.

Sir,

IN advertence to Captain Hennell's letter, dated 24th September (No. 84 of 1837), in this department, relative to a complaint by a person named Abdulla Bin Awaz, of a number of young women having been carried away from the coast of Barbarah by traders to that quarter of the Joasmees tribe, and of his having been robbed and maltreated himself while proceeding to recover, if possible, those unfortunate individuals, I have the honour to

forward, for the information of the Right honourable the Governor in Council, the accompanying translated extracts of letters from the Government agents at Muscat and Shargah.

2. The accusation of Abdullah Bin Awaz is principally, if not entirely, directed against the Joasmees, both as regards the abduction of the young woman and the maltreatment of himself; but, as far as has yet been ascertained, that tribe either happens to be innocent of the offences with which it is charged, or means have been found of concealing the truth from the Government agent.

3. From the documents now forwarded however, it would appear evident that a disgraceful traffic in young females, probably both by stealth and purchase, is carried on from the Barbarah coast, not only to the territories of the Joasmees but every port of consequence in the

Persian Gulf.

4. In Enclosure 3, evidence is adduced of an act which, if its truth could be satisfactorily established, the ninth article of the treaty with the pacificated Arabs would, I conceive, warrant its being viewed and treated as an act of piracy; but the chief of Koweet, against whose subjects the information is furnished, is not a member of that treaty.

5. I am not well aware of the state of those unfortunate creatures previous to

Political Department.

Referring to former letter, submitting a complaint of the abduction of a number of young females on the Barbarah coast, and forwarding translated extracts of letters relative to the same subject.

(2) and (3).

Abdullah Bin Awaz's accusation against the Joasmees erroneous, or means have been found of concealing the truth.

Evidence afforded of a traffic in young females from the Barbarah coast to the ports in the Persian Gulf.

The subjects of the Koweet guilty of an act which the ninth article of the treaty with the pacificated Arabs declares to be piracy.

to their becoming the subjects of this nefarious traffic, but the result of some inquiry inclines me to believe that the Soomalees, from whom a great part of the supply seems to be drawn, are a free people, and cannot become slaves without violence; consequently, those conveyed to the Persian Gulf, must be either kidnapped or purchased while prisoners of war, a practice to which, even in the eyes of the generality of Mahomedans, a degree of moral turpitude attaches, which, if insisted on, would tend considerably to diminish the evil; and I conceive that no means which can with propriety be used ought to be omitted of circumscribing, and, if possible, abolishing a traffic in itself most offensive, and probably rendered doubly grievous from its proving an incentive to war and all its concomitant miseries.

6. No communication has yet been addressed to any of the parties supposed to be implicated, as the subject appears to offer a favourable opportunity for introducing the question of abolishing all traffic in slaves on the part of the Arab chiefs or those under their authority, as directed by Mr. Chief Secretary Wathen's letter of the 30th October last.

I have, &c.

(signed) T. Mackenzie,

Acting Assistant in charge of the Residency
in the Persian Gulf.

Soomalees supposed to be a free people, and not subject to become slaves.

A favourable opportunity though to offer for introducing the subject of the abolition of the slave trade.

(1.)

Translated EXTRACT of a LETTER from the Agent at *Muscat* to the Acting Assistant in the charge of the Residency in the *Persian Gulf*, dated 1st Shaban, or 30th November 1837.

RELATIVE to the acts of Joasmees, in the direction of Sowahib, on the coast of Barbarah, I have made much inquiry, and I have heard that the Joasmees the past season brought some young girls, Abyssinian and Soomalee, but it is reported that they purchased them with money. I made inquiries from some men from Lingah, and they said that they did bring four or five young girls from Soomal. On the 26th, Rajib a Bagarah, from Shargah, arrived. on board of which were some friends, of whom I made inquiry; they replied that they did bring some of those young girls to Shargah, Rasilkhyamah, and Ajman, but that they purchased them. Also the sons of Ali Bin Atek went as passengers in the bugla of Salim al Aweed, and there are with them four or five young girls from Soomal, but they did not sell them on the Oman coast; they proceeded to Busrah, there to dispose of them. The batil of Ben Faraj was also in their fleet. So far as I have been able to learn, this affair is not unfounded, but is not true to the extent stated of 233 young girls, apparently only 20 or 30.

(True extract.)

(signed) T. Mackenzie,

Acting Assistant in charge, &c.

(2.)

Translated EXTRACT of a LETTER from the Agent at *Sargah* to the Acting Assistant in charge of the Residency in the *Persian Gulf*, dated 13th Ramadan, or 12th December 1837.

STATES, that during the last three months he has been endeavouring to procure information relative to the circumstances complained of by the person from Barbarah (Abdulla Bin Awaz,) but that as yet he has not been able to learn anything of the matter; that he is not aware of any one of the name of Khamis, a subject of Sultan Bin Suggur, who trades in the direction of Muscat; that there is a person named Salmeen Bin Khamis, but that he is not a man who would be guilty of such an act (plundering Abdulla Bin Awaz, as stated by himself); expresses his surprise that such a statement should have been made by Abdulla Bin Awaz, at Bushire, as he (agent) was at Rasulkhy-

OMBAY.

mah at the time of his arrival there, and invited him to make known his complaints, but that he made no mention of the treatment he had been subjected to by Khamis, only stating that during the last three years the subjects of Sultan Bin Suggur, and others beside from Batarah, &c. have been in the habit of trading in the direction of Barbarah, and stealing women, under the pretence of marriage, and conveying them to their own country for sale; that it is true they are brought from that quarter for sale at Bussorah, coast of the province of Fars, &c., but that those who do bring them assert that they are all Abyssinians; that it is difficult to distinguish between the two, as the colour of the Abyssinian and Soomal is the same; that women are purchased at Barbarah, which country is not like other countries, having forts, doors, &c.; the chiefs of that quarter also do not have custom-houses, &c., nor know what may be imported or exported. About half a fur sakh intervenes between their places (towns), and most of them are thieves and mischief-makers. When traders visit that quarter they arrive at night, and land their goods at night, so that no one knows what is brought by them; when they leave, in like manner they take their departure at night, and no one knows what they carry along with them. It is stated that two women from Barbarah are now in Shargah, and the remainder have been sent to Koit and Bussorah.

(True extract.)

(signed) T. Mackenzie,
Acting Assistant in charge, &c.

(3.)

Translated EXTRACT of a LETTER from the Agent at Muscat to the Acting Assistant in charge of the Residency in the Persian Gulf, dated 28th Showal, or 25th January 1838.

RELATIVE to Abdoollah Bin Awaz, Soomalee, he arrived on board of a Bharhun bugla on the 20th instant. He waited on me, and reported the incidents that had befallen him. He came a second time, and stated that some of the young women he is in search of were in Muscat, and requested permission to go and find them, which I granted him. In the course of a couple of days he returned, and said that he had discovered one of the young women. I desired him to bring her, that I might make inquiry relative to the affair; which being done, she stated that she was a Soomalie, and that she was from Barbarah; that one of the people of Soor, called Alley Bin Seyed Bin Isa, stole her; that he was the navigator on board a vessel belonging to Kowect, commanded by an Abyssinian called Mahaboob, who gave them permission to seize whomsoever they could; that she with seven others were carried away and conveyed, first to Soor and afterwards to Muscat; that she was taken to the sons of Bin Isa and Amber Thabh, who discovered that she was a Soomalie, and did not want her; afterwards, that she was kept for some time at Sidab (place near Muscat); that another is in possession of Ahmed Bin Seuf Bin Hansel, of Muttra, and is married to one of his servants; and a third in the hands of the sister of Jawil, in Muttra, who has been seen by Abul Nibbie Beloochie; where the remainder are she does not know. Abdullah Bin Awaz having made inquiry regarding the one who was with the sister of Jawie, was informed that she had been sold; the one in the hands of Ahmed Bin Seif still remains with him. I recommended Abdualla Bin Awaz to remain in Muscat until the arrival of the resident; but he said that the season would be over, and that between him and Captain Hennell there was an agreement. I myself made inquiry of people from Koit, and they stated that that boat was the property of Yacoob Bin Ghanum, Koitee, and that she was commanded by his slave. Of those eight young women, four were sold between Soor and Soohar, and the remaining four went to Koit, where they (the crew of the bugla) were questioned about the affair, and they replied that they had purchased them with money.

(True extract.)

(signed) T. Mackenzie,
Acting Assistant in charge, &c.

(True copies.)

(signed) T. Mackenzie,
Actg Assist in charge of the Resid in the Persian Gulf.

Sir,

I am directed to acknowledge the receipt of Mr. Mackenzie's letter dated the 28th February last, on the subject of the slave trade carried on at the ports in the Persian Gulf, and to inform you that the Right honourable the Governor in Council very much fears that little can be done to effect the suppression of this nefarious traffic, but that as long as a hope remains, Government are unwilling to abandon it; you are therefore requested to submit your opinion in detail on the points adverted to in the communication now acknowledged, and at the same time suggest any measures which may occur to you as likely to mitigate the evil.

I have, &c.

(signed) J. P. Willoughby,
Secretary to Government.

Bombay Castle, 16 April 1838.

To J. P. Willoughby, Esq. Secretary to Government of Bombay.

No. 7.

Sir,

WITH reference to my letters to your address, under date the 24th September 1837, and 10th January 1838, both in this department, I have the honour to report for the information of the Right honourable the Governor in Council, that the information which my inquiries have elicited during my recent visits to Muscat and the Arabian coast, touching the complaint of a person named Abdoollah Bin Iwaz, of the abduction of a number of girls from the coast of Barbara, all tends to confirm the opinion expressed by Mr. Mackenzie in the 2d, 3d, 4th, and 5th paragraphs of his despatch (No. 6, Political Department,) dated the 28th February 1838.

2. Although unable to bring any positive or direct proof against the subjects of Shaik Sultan Bin Suggur, still I am inclined to concur in the general opinion entertained in the Gulf, that instances of free persons being kidnapped and brought away for sale from the coast of Barbara, do sometimes occur among the Joasmees; I therefore considered it my duty to introduce the subject on the occasion of the interview held with their chief on the 17th instant. After touching generally upon the complaint preferred against his subjects by Abdoollah Bin Iwaz last year, I expressed, in the strongest possible terms, the indignation felt by the Government on learning that such an infamous and nefarious practice had been carried on; although so expressly forbidden by the ninth article of the treaty subscribed by the independent Arabian chieftains of the Gulf. The shaik, after a general denial of the accusation, and affirming that the subjects of his Highness the Imaum, and those of Koweet, were the individuals principally concerned in this traffic, endeavoured to convince me that he was fully impressed with the wickedness and enormity of such proceedings; and went on to say, that to prevent the possibility of any of his people participating in them, he had dispatched his confidential meerza to Zanzibar for the purpose of entering into arrangements with his Highness the Imaum of Muscat, to the effect that in future no vessels from the Joasmee ports should be permitted to visit the African coast without carrying a special written authority from himself; that upon the arrival of such vessels in any of the possessions of the Imaum, his Highness, or his *locum tenens*, should assign a fixed place for the residence of their crews during their stay; and further, that upon their return to the Gulf, the nakoda of each boat would be required to produce a written document, under the seal of his Highness, certifying that his crews had conducted themselves with peace and quietness, and that none of his people had been guilty of stealing or surreptitiously carrying away slaves, either by force or fraud. The shaik added, that to enforce these propositions, he had offered the Imaum full authority to punish to the utmost extent every one of his subjects who might be guilty of their infraction. I replied, that this proof of the sincerity of his sentiments was satisfactory; and as it was now evident that we had both the same object in view, he could have no objection to afford his consent to any further arrange-

No. 7.
O.M.B.A.Y.

ments which might tend to put an end to the atrocious practice complained of; I therefore recommended that he should concede to our cruisers the right of searching and detaining his vessels upon the high seas, in all cases where their crews were open to the suspicion of being engaged in the kidnapping of slaves; and at the same time to admit the further right of seizing and confiscating them in case these suspicions proved to be well founded. Upon the shaik unhesitatingly expressing his acquiescence, I produced the agreement (of which the accompanying is a copy); after making his moonshee read it aloud, he affixed his seal to two copies, one of which he retained himself, and the other is now deposited in the records of the residency.

3. It will be observed by the Right honourable the Governor in Council, that the document above referred to does not in the slightest degree bind the Government or pledge it to any specific line of policy with reference to the slave trade, while it is something gained towards a check, and may at a future period form the basis of more general and comprehensive negotiations for the suppression of this detestable traffic.

4. In doing myself the honour to intimate that a similar agreement to the one above referred to has been signed by Shaik Rasheed Bin Hummed, Shaik Mookhtoom Bin Butye, and Shaik Khulla Fa Bin Shackbool, the chiefs of Ejman, Dabye, and Aboothabie, and expressing a hope that the steps I have taken may be honoured by the approval of the Right honourable the Governor in Council,

I have, &c.

(signed) S. Hennell,

Residency in the Persian Gulf,
Bushire, 28 April 1838.

Officiating Resident in the Persian Gulf.

ARTICLE of AGREEMENT entered into by *Shaik Sooltan Bin Suggur*, dated *Shargah*, the 22d Muhurreem, A.H. 1254, or 17th April, A.D. 1838.

IN the event of vessels connected with my ports, or belonging to my subjects, coming under the suspicion of being employed in the carrying off (literally, stealing) and embarkation of slaves, men, women or children, I, Sultan Bin Suggur, shaik of the Joasmee tribe, do hereby agree to their being detained and searched whenever and wherever they may be fallen in with on the seas by the cruisers of the British Government; and further that, upon its being ascertained that the crews have carried off (literally, stolen) and embarked slaves, their vessels shall be liable to seizure and confiscation by the aforesaid cruisers.

Sealed (L.s.)

by Sooltan Bin Suggur.

(True copy.)

(signed) S. Hennell,
Officiating Resident in the Persian Gulf.

To the Officiating Resident in the *Persian Gulf*.

No. 8.

Sir,

Political Department.

I AM directed to acknowledge the receipt of your letter, dated the 28th April last (No. 15), with its enclosures, on the subject of kidnapping slaves from the coast of Barbarra by the Joasmees, and to inform you that the Right honourable the Governor in Council highly approves of your having entered into an agreement with the chief of the tribe for permitting our cruisers to search and detain his vessels upon the high seas in all cases when their crews are open to the suspicion of being engaged in the kidnapping of slaves, and to confiscate such vessels in case such suspicions proved to be well founded.

2. The Governor in Council instructs me to request that you will still act according to the instructions of Government conveyed to you in Mr. Secretary Willoughby's

Willoughby's letter, dated the 16th of April last, on the subject of the slave trade carried on at the ports in the Persian Gulf.

No. 7.
BOMBAY

I have, &c.

(signed) *L. R. Reid,*
Acting Chief Secretary to Government.

Bombay Castle, 11 July 1838.

(True copies.)

(signed) *L. R. Reid,*
Acting Chief Secretary.

ORDERED, That a copy of the foregoing despatch from the acting chief secretary to the Government of Bombay be transmitted to the Judicial Department of the Government of India, in order that it may be communicated to the Law Commission, to whom the consideration of the question of slavery in India and the adjacent countries has been referred.

(True extract.)

(signed) *H. V. Bayley,*
Assistant Secy to Government of India.

(No. 48.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council, in the Political Department, under date the 22d August 1838.

No. 14.

To *H. T. Prinsep*, Esq. Officiating Secretary to Government, Political Department, *Fort William*.

Sir,

I AM desired by the Right honourable the Governor-general of India to forward to you the accompanying copy of a letter and of its enclosures from the acting chief secretary to Government at Bombay, dated the 30th ultimo, and to request that they may be laid before the Law Commission for consideration, when the subject of slavery generally shall occupy their attention.

Political Department.

I have, &c.

(signed) *H. Torrens,*
Deputy Secretary to Government of India
with the Governor-general.

Simla, 19 July 1838.

(No. 1250.)

To the Secretary with the Right honourable the Governor-general of *India*; *Camp*.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit to you, for the purpose of being laid before the Right honourable the Governor-general of India, copy of a despatch from the political agent in Kattewar, dated the 1st of December last, regarding a girl of about seven years of age, sold to a chief of Kattcewar, by her father, together with copy of a minute recorded by the Right honourable the Governor, dated the 2d instant, on the occasion, concurred in by the civil members of Government.

Political Department.

I have, &c.

(signed) *L. R. Reid,*
Acting Chief Secretary to Government.

Bombay Castle, 30 June 1838.

No. 7.
BOMBAY.

(No. 437 of 1838.)

To J. P. Willoughby, Esq. Secretary to Government, *Bombay*.

Sir,

Political Department.

I HAVE the honour to report, for the information of the Right honourable the Governor in Council, that on the 15th July last a man named Soora Bheema, serving as a puggee with Captain Bury, superintendent of his Highness the Guicowar's contingent of horse, in this province, applied to me for the restoration of a girl of about seven years of age, stated by him to be then in the possession of Jareja Doongajee, the chief of Kherusera, to whom it appeared she had been sold by his nephew, a discharged horse-keeper of the 1st Regiment Light Cavalry of this presidency.

2. The statement of the applicant is briefly as follows, and a copy of his deposition is herewith annexed:—Some time in 1834, his nephew, a widower, with a female child of about four years of age to support, was discharged from his situation as a horse-keeper of the cavalry then at this station. He knows nothing of the fate of the father, but the daughter he has just discovered in the person of a slave girl of the Kheerusra chief.

3. Jareja Doongurjee admits, according to the deposition given on his part by Jareja Jateejee, one of his bhyad, copy of which is also annexed, that a girl of about four years of age, having been offered in Rajcote by her father, about two years prior to the date of his statement, to any person who would promise to take care of her, he, unwilling to accept the child without some remuneration to the parent, paid the sum of 70 korees for her, intending to make a present of her to his daughter on her marriage-day, agreeably to the customs of all Rajpoots who can afford to purchase female slaves for such occasions.

4. Taking into consideration, at this stage of my proceedings, that I had no direct authority to interfere with the system of domestic slavery universally fostered by our tributaries in this province, though Government had publicly declared by proclamation against the importation of African slaves for the purpose of traffic, I at first felt a good deal of hesitation in admitting the complaint of Soora Bheema, as one on my part properly recognizable; but considering that this case was one fit to be brought to the notice of the Right honourable the Governor in Council, for the purpose of soliciting the Honourable Board's instructions as to the expediency of discountenancing the baneful system of slavery, as far as we could, I directed Jareja Doongurjee to produce the girl, and after having satisfied myself that she was the identical child claimed by Soora Bheema, as his nephew's daughter, I gave her back to the Kheerusra chief, with the strictest injunctions to treat her kindly, till I had obtained the orders of Government as to her future disposal.

5. To place Government in possession of information requisite to enable the Right honourable the Governor in Council to decide upon the expediency of interfering in this subject, considered abstractedly from the right or the propriety, I have endeavoured to obtain a tolerably correct list of the aggregate number of slaves, male and female, imported as well as local, in the province. A table, showing the result as accurately as has been practicable, is appended, showing the immense number of 5,338 in an average population of a million and a half of inhabitants.

6. Although I have discouraged the practice of buying and selling children as far as I could, without direct interference, I am not inclined to recommend that the British Government should, in the present infant state of civilization of the community, consider itself bound to restore or set at liberty the child, without the purchase-money being refunded; a proclamation setting forth the feeling of the Government on the subject, might be attended with good effects, strongly recommending the chiefs and others to discontinue the practice, as it would, even if not obeyed for the present, serve to demonstrate the feelings of the British Government on such a subject, and pave the way for more effectual steps for its prevention at a future period, when they can be taken in hand with better prospects of success.

7. A well devised plan for the arbitration of individuals, for the purpose of allowing slaves to purchase their manumission, might be adopted without breaking in on the system at once; and should Government coincide with me as to the propriety

priety of the British Government taking some notice of the subject, this will probably be the best plan to pursue.

8. In a community like that existing in this province, the evils attendant on the degrading practice of slavery are felt in a very mitigated degree. The slaves are for the most part well treated, in fact in all probability better than servants, the masters and mistresses having an obvious interest in their welfare, and the contrast between the condition of a slave and a freeman in this uncivilized community is of a very different degree from that in other parts of the world, where the inestimable benefits of liberty are so deeply and justly prized.

I have, &c.

(signed) *James Erskine*, Political Agent.

Katteewar, Political Agent's Office,
Camp Simree, 1 Dec. 1837.

No. 7.
BOMBAY.

No. 1.

Rajcote, 15 July 1837.

DEPOSITION of Puggee *Seera Bheema*, of Hindoo Kallee caste, aged about 46 years, inhabitant of the village of Kallapua of the Cheewall Pursunna, now living in the camp of Rajcote, servant of Mr. Bury, taken in the presence of James Erskine, esq. political agent in Katteewar:—About three years ago my nephew, named Ravro, came with the 1st Regiment Light Cavalry to this country; he had brought along with him his wife and two daughters, one about 18 months old, and the other about four years of age; his wife died during the journey, and a short time after the youngest girl also died; on his arrival at Rajcote, my nephew then being employed as a saecs* in the regiment, was bit by a horse in his thigh, which being broke, he was sent to a hospital. His elder daughter, named Wuktoo, remaining destitute, I do not know what happened, whether she was sold or what; several days after my nephew was discharged, and I knew not where he went away. I yesterday went with my master to Kheerussra, where I happened to see my nephew's daughter in the durbar of the said village. I hope the surkar will have compassion, and cause the poor girl to be restored to me.

* Horse-keeper.

No. 2.

JAREJA JETTERJEE, one of the bhayads of Kheerussra, being sent by Jareja Doongurjee of Kheerussra, on his part deposes as follows, before J. Erskine, esq. political agent, Katteewar:—About two years ago, a kobe, named Ranlo, was going about with a daughter of his, about four years of age, in the town of Rajcote, and said that the girl's mother was dead, and if anybody would take her to cherish, he would give her to him, as he could not maintain her.

The aforesaid Jareja Doongurjee and I, then living in Rajcote, the kobe came to our quarters, Jareja Kotheejee of Rajcote and Jareja Samat Singgee of Mengnee then were sitting with us. They told Doongurjee to take the girl, as he would require some one in the marriage of his daughters, and if the girl lives she will answer the purpose. Doongurjee said he would not keep her in this way, but if the father would take a few korees in exchange for her, he would take her with pleasure, upon which he paid 70 korees to the father and took her; he also took security from the father, that if any disturbance took place in this case, the security would be responsible. Kobe Kalee and Kole Chundo, of the village of Ratica of the Kerussra Talocha, stood security to that effect; these two are now imprisoned in the gaol. We have also got a writing upon the subject.

Four or five days ago, Puggee Soora coming with the saheb, he said that the girl was his nephew's daughter; we were ordered to bring the girl, and she is at present here; she is now called Veeroorree.

(True translations.)

(signed) *James Erskine*, Political Agent.

No. 7.
BOMBAY.

No. 3.

LIST OF SLAVES in Kattewar, 25th August.

Numbers.	TALOOKAS.	Africans.			Natives of India.			Domestics commonly called Khenassa.			Total in the Districts.			GRAND TOTAL.
		Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Of Black.	Of Natives.	Of Kharasra.	
THALLAWUR :														
1	Drangradra - -	3	6	9	Unknown.	-	-	100	100	200	65	-	1,220	
2	Limree - - -	5	6	11		-	-	100	100	200				
3	Wudwan - - -	5	7	12		-	-	300	200	500				
4	Choora - - -	2	3	5		-	-	25	20	45				
5	Soyle - - - -	-	1	1		-	-	25	25	50				
6	Wankancer - -	10	12	22	-	-	75	50	125					
7	Than Lucter - -	2	3	5	-	-	50	50	100					
HALLAR :														
1	Newanuggur - -	60	50	110	Unknown.	-	-	200	200	400	153	-	1,015	
2	Rajcote - - -	2	1	3		-	-	40	25	65				
3	Goondal - - -	15	15	30		-	-	250	250	500				
4	Dhurole - - -	5	5	10		-	-	25	25	50				
MUTCHOO PUNTA :														
1	Marvec - - -	10	12	22	Ditto.	-	-	75	50	125	28	-	160	
2	Malba - - - -	3	3	6		-	-	20	15	35				
1	Purchunder - -	15	15	30	Do.	-	-	100	100	200	30	-	200	
GOHELLWAR :														
1	Bhownuggur - -	50	60	110	Ditto.	-	-	500	500	1000	276	-	2,595	
2	Palectana - - -	8	7	15		-	-	50	50	100				
3	Lattce - - - -	4	8	12		-	-	25	15	40				
4	Walla - - - -	-	-	-		-	-	50	50	100				
SAURUTTI :														
1	Ironaghur - - -	50	50	100	200	200	400	-	-	-	133	507		
2	Batwa - - - -	10	8	18	50	32	82	-	-	-				
3	Maugrall - - -	7	8	15	13	12	25	-	-	-				
MISCELLANEOUS :														
	Katteer Chief, &c.	225	225	450	-	-	-	-	-	-	450			
TOTAL - -											906	507	3,835	5,338

(signed) *James Erskine,*
Political Agent.

ORDERED, That a copy of the foregoing despatch from the Deputy Secretary to Government of India with the Governor-general, be transmitted to the Judicial Department of the Government of India, in continuation of the extract from this department, dated the 15th instant (No. 46).

(A true extract.)

(signed) *H. V. Bayley,*
Assistant Secretary to Government of India.

(No. 561.)

From *T. H. Maddock*, Esq. Officiating Secretary to the Government of *India*,
to *J. P. Willoughby*, Esq. Secretary to the Government of *Bombay*, dated
3 September 1838.

No. 7.
BOMBAY.
No. 15.

Sir,

THE letter from the Chief Secretary to the Government of Bombay, dated 30th October 1837, regarding traffic in slaves, the subject of which is continued in your letter to the Secretary to the Governor-general of India, dated the 26th December 1837, and the enclosures of both letters, have been under the consideration of the Honourable the President in Council, to whom the sentiments of the Right honourable the Governor on the subject of these references have also been communicated, and I am directed to state for the information of the Honourable the Governor in Council of Bombay, that till the necessity and expediency of the provisions recommended by the Government of Bombay are made evident, the Honourable the President in Council must hesitate ere he proceeds to legislate on this very difficult and delicate subject.

2. The particular cases adduced by the Government of Bombay to show the necessity of any such Acts as that proposed, are exceedingly weak; and before legislating with a view to the suppression of the traffic in slaves, the President in Council would desire to know whether such traffic is actually carried on at the ports within the Company's territories. The Bombay Government is therefore requested to furnish further particulars on this point, and to state all the instances that may have occurred of the discovery of such traffic.

3. I am also desired to request that the Governor in Council of Bombay will be so good as to state whether in his opinion it would be sufficient and efficacious as a remedy, if the power proposed to be conferred by the Act were limited to seizures on shore before the imported slaves are removed to the interior, and still more, whether the object in view would be completely attained if the power were extended to harbours.

I have, &c.

(signed) *T. H. Maddock*,

Officiating Secretary to the Government of India.

Fort William,
3 September 1838.

(No. 337.)

From *T. H. Maddock*, Esq. Officiating Secretary to the Government of *India*, to
J. Pearson, Esq. Advocate-general, dated 3 September 1838.

No. 1

Sir,

AN application having been made to the Supreme Government by the Government of Bombay for the passing an Act, a draft of which is enclosed with copy of the despatch from Bombay for your information, for the suppression of the traffic of slaves, which is supposed to be carried on to some extent on the coasts of Arabia, and the ports within the territories of the Honourable East India Company, the Honourable the President in Council, apprehending that the Supreme Government of India cannot legislate either for the ports of independent powers or for the high seas, and that it is only competent to the Governor-general in Council to legislate for places within the Company's territories, has resolved, before proceeding to legislate on this question, to avail himself of your opinion as to the competency of the Government of India to legislate in the manner proposed by the advocate-general at Bombay; and as to the extent of the Company's territories upon the seas beyond the limits of the sea-shores, as well in the case of harbours, or between headlands, as otherwise; and I am directed to request that you will submit your opinion on the subject as soon as may be convenient to you.

I have, &c.

(signed) *T. H. Maddock*,

Officiating Secretary to the Government of India.

Council Chamber,
3 Sept. 1838.

No. 7.
B O M B A Y.
No. 6.

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Legislative Department, dated the 11th February 1839.

(No. 11.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council, in the Political Department, under date the 30th January 1839.

(No. 2379.)

To the Secretary to the Governor-general of India.

Sir,

Bombay Castle, December 1838.

Political Department.

WITH reference to my letter dated the 11th July last, forwarding copies of correspondence regarding the slave trade carried on at the ports in the Persian Gulf, and of your reply thereto, dated the 6th August following, I am directed to transmit to you, for submission to the Right honourable the Governor-general of India, the accompanying copy of a further communication from the President at Bushire, dated the 3d September last, submitting his opinion on the subject, and suggesting measures deemed by him likely to mitigate the evil of the traffic in question in those quarters, together with copy of my reply thereto, of this date.

I have, &c.

(signed)

J. P. Willoughby,

Secretary to Government.

(No. 72 of 1838.)

To J. P. Willoughby, Esq. Secretary to Government of Bombay.

Sir,

Political Department.

I HAVE had the honour to receive your letter (No. 1346), in this department, under date the 11th July 1838, approving of the agreement entered into by Sultan Bin Sagger, prohibiting the kidnapping of slaves from the coast of Barbarra, and further directing me to act according to the instructions of the Government, conveyed in your letter of the 18th April last.

2. The instructions thus referred to, I conclude, are those directing me to submit my opinion in detail on the points adverted to in Mr. Mackenzie's communication, dated the 28th February 1838, and at the same time to suggest any measures which might occur to me as likely to mitigate the evil of the slave trade carried on in those quarters.

3. For the convenience of reference I shall proceed to notice the several subjects alluded to by Mr. Mackenzie, by drawing them up in one column, and making such remarks as they appear to call for on the opposite side.

1st. Mr. Mackenzie states, that with reference to the accusation of Abdoulla Bin Iwas, against the Joasmees, regarding their abduction of a number of his countrymen, and their maltreatment of himself, it would appear, either the tribe were innocent of the charge, or had found means of concealing the truth from the Government agent at Shargah.

2d. That it would appear that a disgraceful traffic in young females, probably both by stealth and purchase, is carried on not only in the territories of the Joasmees, but every port of consequence in the Persian Gulf.

On this point I have already reported to the Government, that in the absence of direct proof against the subjects of Sheik Sultan Bin Sagger, I was of opinion that instances of free persons being stolen and brought away for sale had sometimes occurred among the Joasmees, and it was this chiefly which led me to enter into the agreement with the members of the general treaty, prohibiting the stealing for purposes of traffic, not merely of free persons, but those coming under the denomination of slaves, whether men, women, or children. Mr. Mackenzie is right in stating, that this traffic in young women does exist in all the principal ports, but the greatest part of these females consists of negroes, with a few Abyssinians, procured by purchase, and who are considered by the Mahomedan faith as legitimate

timate bondswomen. Instances have, as stated before, taken place of "Somaalees" being brought for sale, but they are rare; and in some of the ports on the Persian coast, were the circumstance to come to the knowledge of the chief, they would be immediately set at liberty.

3d. That had the Sheik of Koweet been a member of the general treaty entered into by Sir W. G. Keir with the pacificated Arabs, the conduct of some of his subjects in kidnapping Soomalees would, by the 9th article of that agreement, have come under the denomination of piracy.

a member of the treaty in question, and moreover calls himself a dependent of the Turkish Government. I propose, however, writing to him on the subject, and requesting him to exert his influence to put an end to such atrocities.

4th. That the Soomalees, from whom a great part of the supply seems to be drawn, are a free people, and as they cannot become slaves without violence, consequently those conveyed to the Persian Gulf must be either kidnapped or purchased while prisoners of war, and that to this practice a degree of moral turpitude attaches, which, if insisted upon, would tend considerably to diminish the evil.

In making this observation Mr. Mackenzie, I conclude, means that a great part of the supply of those who were originally "hoor," or free, is taken from the Soomalees, in contradistinction to the supply of negroes and Abyssinians, who come under the denomination of "abceed," or bondsmen. The proportion of the "Soomalees" to the two latter is perhaps as one in one hundred, and these are, as Mr. Mackenzie observes, probably either kidnapped or purchased as prisoners of war. It is certainly true, that by the Mahomedan law the sale of free persons as slaves is expressly forbidden, but I doubt whether, in fact, any great degree of moral guilt is considered to be incurred by Mussulmans who engage in this traffic. Those who profess to act up to the texts of the Koran will not purchase or sell an individual of this description, but the practice of disposing of prisoners of war as bondsmen is not confined to Africa. I am myself aware of two instances in this country, in which Persian and Arab women and children, taken on the occasion of the capture of Bundeel Dillum by the troops of the Prince of Shiraz, and that of Mohumrah by the present Pasha of Bagdad, were carried away and sold as slaves.

5th. That the subject appears to offer a favourable opportunity for introducing the question of abolishing all traffic in slaves on the part of the Arabian chiefs, or those under their authority.

I have already, in my letter to Government of the 10th January last, fully recorded my opinion regarding the impracticability of abolishing the traffic in slaves on the part of the Arabian chiefs, without the payment of a large sum of money, as an indemnification for the sacrifice made by them in surrendering a practice in no way opposed to their own faith, in compliance with the religious views and opinions of others. At the same time I expressed my belief, that, even were this indemnification afforded, causes beyond our control would prevent any benefit being derived from its payment.

4. The only measures I can suggest as likely to mitigate the evil of this nefarious traffic, independently of the agreement entered into this year by the Arabian chiefs, who are members of the general treaty, viz. that of prohibiting the kidnapping of slaves, under penalty of the seizure and confiscation of the vessels of those concerned, are, firstly, to endeavour to induce his Highness the Imaum to extend the treaty concluded by Captain Moresby, of His Majesty's ship Menai, in 1822, so as to include in its provisions the provinces of Cutch and of Kuttywar, an object which would be effected by extending the line without which his Highness's vessels engaged in the slave trade are liable to seizure, from Diu Head, its present limit, to Karachee; or, in the event of this not being attainable,

No. 7.
BOMBAY.

attainable, to the mouths of the Indus. Secondly, to obtain the consent of the Arabian chiefs, who are not subjects of Persia or Turkey, to the adoption of the same restrictive line. Thirdly, to have the right of search of all vessels found without the proscribed limits, and open to the suspicion of being engaged in the slave trade, conceded to us by treaty, on the parts of his Highness the Imaum, and the maritime Arabian chiefs. Fourthly, to endeavour to negotiate an arrangement, by which the purchase or sale of Soomalees, or such other inhabitants of the African coast as may come under the Mahomedan denomination of "hoor," or free, shall be considered as equivalent to an act of piracy, and punished accordingly.

Residency in the Persian Gulf,
Bushire, 3 September 1838.

I have, &c.
(signed) S. Hennell,
Resident in the Persian Gulf.

MINUTE by the Honourable the Governor, subscribed to by the Board, dated
2 November 1838.

With respect to that part of the third paragraph of Captain Hennell's letter, in which he notices Mr. Mackenzie's remark, that a disgraceful traffic in young women is carried on in every port of consequence in the Persian Gulf, it appears to me highly improbable that the protection secured to the negroes of the Burbara coast by the treaty with Sir William Grant Keir excludes the Abyssinians, many of whom are Christians, and have the strongest claim to our protection. The resident may report further on this point. Captain Hennell's intention of writing to the ruler of Koweet may be approved; he should not however overlook the Abyssinians.

In regard to the remedial measures formerly suggested by Captain Hennell, I should certainly not be in favour of paying any indemnification. We have already pointed out to the Honourable Court the traffic in Christian slaves carried on in the Red Sea, the suppression of which it is to be hoped the authorities at home will be able to accomplish; and the effectual suppression there will do much to remedy the evil.

With regard to those states which have come under compact to abandon the slave trade, the resident can only resort to persuasion, and not to compulsion; and in any new engagements it does not appear why the ports on the coast of Mekran should not be included.

The resident should never cease to use his utmost efforts to advance this important object of restricting and suppressing the hateful traffic, on every opening that may offer. If nothing further can be done at present in mitigation of the evil than is suggested in the fourth paragraph, these measures may be attempted as soon as possible, and it is to be hoped the resident will succeed in carrying them into effect; but the Christians of Africa must be held by us to be "free," and should be included, unless any obstacle exists not within my knowledge; should there seem to be any such obstacle, every endeavour should be used to remove it.

These proceedings should be reported to the Honourable Court and to the Government of India.

(signed) J. Farish.
G. W. Anderson.
J. A. Dunlop.

2 November 1838.

(No. 2378 of 1838.)

To the Resident in the *Persian Gulf*.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, dated the 3d September last, submitting your opinion upon certain points adverted to by Dr. Mackenzie, in his communication of the 28th February 1838, regarding the abduction of young females from the coast of Barbara, and suggesting measures likely to mitigate the evil of the slave trade in those quarters.

2. With

2. With reference to that part of the third paragraph of your communication noticing Mr. Mackenzie's remark, that a disgraceful traffic in young women is carried on in every port of consequence in the Persian Gulf, I am desired to observe that it appears to Government highly improbable that the protection secured to the negroes of the coast of Barbara, under the treaty with Sir W. Grant Keir, excludes the Abyssinians, many of whom are Christians, and have the strongest claim to the protection of the British Government; but upon this point, however, you are requested to favour Government with your opinion.

3. Adverting to the remedial measures suggested by you in your letter, dated the 10th January last, I am directed to inform you that the Governor in Council is not at all inclined in favour of making pecuniary compensation to the Arab chiefs in the Gulf, to induce them to renounce all participation in this revolting trade.

4. With reference to the last paragraph of your report, I am desired to inform you that, in regard to those states who have not come under compact to abandon the slave trade, measures only of a persuasive nature, and not those of a compulsory kind, should be resorted to; and the Governor in Council sees no reason why, in any new engagements which may be made, the ports on the coast of Muckram should not be included.

5. I am, on this occasion, desired to request that you will never cease to use your utmost exertions to advance the important object of restricting and suppressing this hateful traffic, on every opening that may offer; and if you are still of opinion that nothing further can be done at present in mitigation of the evil, than is suggested in the fourth paragraph of your letter, the Governor in Council directs that the measures proposed in this communication be attempted as soon as possible, and which it is hoped you will succeed in carrying into effect.

6. The African children, however, must be held to be free, and should be included in the engagement, unless any obstacle may exist not now within the knowledge of Government; and should any such obstacle appear to exist, you are requested to exert every endeavour on your part to remove the same.

7. In conclusion, I am desired to intimate to you, that the Honourable the Governor in Council approves of your intention to write to the ruler of Koweet, regarding the proceeding of his subjects in stealing Soomalee girls from the coast of Barbara, and requesting him to exert his influence to put an end to such atrocities in future, but you are requested not to lose sight of the Abyssinians.

I have, &c.

Bombay Castle,
12 December 1838.

(signed) *J. P. Willoughby*,
Secretary to Government.

(True copies.)

(signed) *J. P. Willoughby*,
Secretary to Government.

ORDERED, That a copy of the foregoing despatches from the Secretary to the Government of Bombay be sent to the Judicial Department of the Government of India, for communication to the Law Commission.

(True extract.)

(signed) *H. V. Bayley*,
Assistant Secretary to Government of India.

(No. 49.)

No. 7.

From *H. T. Prinsep*, Esq. Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 11 February 1839.

Sir,

I AM directed by the Honourable the President in Council, to forward to you, for the consideration of the members of the Indian Law Commission, the accompanying copy of an Extract, Political Department, dated the 30th ultimo.

I have, &c.

Council Chamber,
11 February 1839.

(signed) *H. T. Prinsep*,
Secretary to the Government of India.

No. 7.
BOMBAY.

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Legislative Department, dated 4 March 1839.

(No. 75.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council in the Political Department, under date 13 February 1839.

(No. 135 of 1839.)

To the Secretary to the Government of India.

Political Department.

1. Letter from Mons. Fontanier to Captain Guillain, dated 19 Oct. 1838.
2. Letter from the Private Secretary of the Hon. the Governor to Capt. Guillain, dated 20 Oct. 1838.
3. Minute by the Hon. the Governor, dated 10 Nov. 1838.
- Summary by the Political Secretary, dated 31 Dec. 1838.
- Letter to the Court of Directors, dated 1 Jan. 1839.

from the Arabian coast and the Persian Gulf, trading with the Port of Bombay.

Sir, Bombay Castle, 17 Jan. 1839.

I AM directed by the Honourable the Governor in Council to transmit to you, for the purpose of being submitted to the Honourable the President in Council, copies of the documents noted in the margin, relative to the traffic in slaves, said to be carried on by vessels

I have, &c.

(signed) *J. P. Willoughby*,
Secretary to the Government.

(1.)

Sir,

Bombay, 19 October 1838.

I HAVE received your letter of to-day regarding the slave trade, and I feel so much the more desirous to afford you every information on the subject, as the Minister for Foreign Affairs thought it advisable to transmit to the Marine Department some observations that I had conveyed to him from Bussora. I have in effect written three principal complaints:—

1. That the slave trade is carried on at Bombay in a manner which, although made acquainted with the form, I cannot estimate the extent, and that it is certainly practised with the knowledge of the authorities, who tolerate it.
2. That this trade is in full activity in the Persian Gulf, where it would have been very easy for the Indian authorities to have prevented it, if they had wished to do so.
3. That the navigation regulations followed in India, and which many persons have assured me are not in harmony with British law, allow this traffic to take place under the British flag.

1st. No great researches are necessary to prove that the slave trade is carried on at Bombay: every body knows that the Africans from the coast of Mozambique do not come here to serve as domestic servants, and there are few members of the community called Moguls who have not several in their employ. At the end of the street in which I live, I will show you on one side one or two Caffres, and at the other an Abyssinian, belonging to two of my Mogul neighbours; two of these blacks are about the age of ten, and have probably been purchased above the age of five. My neighbours have besides been very long in Bombay, and certainly did not get them for nothing. When I embarked from hence in 1835 for Bussora, a rich Mogul merchant came on board to take leave of one of his relations, who was a passenger in the same vessel; I myself saw that he was accompanied by about ten Abyssinians, and I was afterwards assured that he had two eunuchs to guard his seraglio in Bombay. These slaves are for the most part brought here in Arab vessels. They are disembarked in woman's apparel, and conveyed away in palanquins. The custom-house guards show themselves very complaisant, and the slaves once lodged in the native town, the Mahomedans traffic amongst themselves without any other occasion for inquietude. Should any dispute arise between the contractors, the parties appear before the police; in this case, I believe the slaves are represented as servants; but if I may judge by a part that has occurred within these few days, the police take little

pains

pains to verify their position. A child took refuge with an Englishman from her Arab master; some Moguls persuaded the child to come to them; a complaint was made by the Arab against the Moguls, and after various decisions the child was given back to the Arab. A person knowing a little of the Caffre language saw six Caffres disembarking at once at Bombay, and spoke to them; in short, there are few Arab buglas frequenting the port of Bombay that have not slaves as part of their crew, and I have myself been on board of one of these bugloes. The Bombay Government has taken no step, has established no regulation, that can inspire the slave-owner with apprehension.

2. I have seen buglas navigating the whole coast of the Red Sea with slaves on board; they disembarked them generally at Juddah, Mocha, and Adrida, and from those places they are purchased for Bombay: at Juddah the English agent, Malem Josof, sold slaves, and the agent of Mocha, Sheik Taib, possessed slaves.

There was usually one of the Company's cruizers at the latter place, and their vessels constantly visited the former. It is very possible that the agents did not make them acquainted with the existence of this trade, but it is easy to understand that they could have discovered it by making the slightest inquiry on the subject. In the Persian Gulf there are 400 slaves go to Bussora, and nearly as many to Bushire annually; they arrive there towards the month of September, that is to say, at the unhealthy season, and about a third of the number perish: buglos with the English flag bring them from the Red Sea as well as others. I cannot ascertain that the residents at Bushire or Bagdad, or the cruizers in the Gulf have ever taken any measures to prevent this. This fact, considered with the treaty entered into in 1822 between the Imaum of Muscat and an officer of the British navy, against Europeans carrying on the slave trade, leads to the idea that very little thought is taken as to what the Mahomedans do.

3. The English law requires that ships and their commanders should be English to entitle them to carry the British flag; notwithstanding this, I came from Cosseir to Bombay in an English vessel belonging to the Nizam, commanded by a nagoda of Bushire. In going from Bombay to Bushire in the same vessel, we had two young Abyssinian slaves of a merchant, who like me was a passenger; I saw in 1835, at Cosseir, a buglo under English colours, which, amongst other articles of merchandize, carried slaves to Juddah.

About two years ago a merchant of Bombay went to Mecca in a vessel named the Fayzool Kerim, with the English flag, and it is affirmed that this merchant brought back with him in the same vessel a large number of slaves. It is certain that this facility of using the British flag greatly contributes to the slave trade, in affording it greater security. Shipowners who reside beyond the limits of the British territory easily borrow the names of some of their fellow-countrymen in Bombay, who call themselves the proprietors; all are ready to assert that any nagoda it may be convenient to have is a British subject, and there is no doubt but that they take the most solemn oaths that the slaves they have purchased are only servants. A government that took any interest in the subject would soon discover the truth.

I have, &c.

(signed) *Fontanier*, the Vice-consul of Bussora,
on a Mission to Bombay.

P.S. I am informed that the trade of which I speak, as carried on at Bombay, is equally practised at Calcutta, and on a smaller scale at Madras; it is from these places that the princes of India supply themselves with slaves.

(2.)

My dear Sir,

Tankerville, 30 October 1838.

THE Governor desires me to return the enclosed letter, and to thank you very much for having allowed him to peruse it.

The subject is one in which he feels peculiar interest, and every effort is making by the Government to check a traffic opposed to all feelings of humanity.

No. 7.
BOMBA.

Except to a limited extent with the Imaum of Muscat, and with some of the Arab tribes in the Persian Gulf, there exists no treaty between the British Government and the Mahomedan states, that authorizes the forcible suppression of the trade; but I am glad to say, that some other Arab chiefs in the Gulf have recently evinced a disposition to come into the proposals made to them; and the proclamations lately issued by Government, as well as the liberation of about 70 slaves at Porebunder, show that anything rather than a lukewarm interest is felt by the authorities here on a matter of such unquestionable importance.

I greatly regret that circumstances over which I had no control, have prevented me from paying my respects to you for so many days.

I am, &c.

(signed) *Orlando Felix.*

(True copy.)

(signed) *Orlando Felix.*

Monsieur Le Commandant Guillain.

(3.)

MINUTE by the Honourable Governor.

I BEG to lay before the Board the translation from Monsieur Fontanier, calling himself (French) Vice-consul at Bussora, on a mission to Bombay, to Captain Gullain, commanding the French corvette *Le Prévoyante*.

2. Captain Gullain called on me two or three days before he sailed, and informed me that it being a part of the duties on which he was employed by his Government, to give effect to those measures for the suppression of the slave trade which formed the subject of treaties between France and England, so far as fell within the employment of a French vessel of war, he left with me the original of this letter, expressing a wish to know how far he could rely on the information therein given him by Mons. Fontanier.

3. My private secretary having prepared the translation of this letter, I requested him to call on Captain Gullain on board his vessel, and, in returning it, to inform him that the information it contained was quite erroneous, and not to be relied on. Major Felix was at the same time requested by me to leave the letter for Captain Gullain, with a note, of which a copy accompanies, in case he should not meet the captain.

4. The latter was the course followed, Captain Gullain not being on board when the private secretary went off to the corvette.

5. The letter of Mons. Fontanier need not to have been noticed at all, except that I am led from some circumstances to infer that, if not officially accredited, he is at least actually in communication with the French Foreign-office, but I rather think he has the office of French vice-consul at Bussora.

6. I do not consider it at all necessary to communicate with Mons. Fontanier on the subject. On a former occasion, his opposition to the measures of the British Government has been brought to the notice of the Honourable Court, and this communication, the incorrectness of which he had full means of knowing, is another proof.

7. As, however, it is possible that Mons. Fontanier's letter may be used as a public document, and handed up to the French Government as such, it seems desirable that the mis-statement in it should not exist with my knowledge, without a full refutation, and that the same should be furnished to the authorities at home. I have therefore to propose, that a full summary of the proceedings of this Government for the suppression of slavery, particularly those bearing on the points touched on in the letter, should be prepared, and that on any points to which our proceedings may not furnish a direct answer, references should be made to the proper departments for report or inquiry.

8. This minute and the accompaniments should be sent to the Government of India and to the Honourable Court by the next steamer, and the further proceedings communicated to them as they may be concluded.

10 November 1838.

(signed) *J. Farish.*

MINUTE by the Honourable Mr. Anderson.

I concur in the course of proceeding suggested by the Honourable the Governor in his minute.

(signed) *G. W. Anderson.*

No. 7.
BOMBAY.

MINUTE by the Honourable Mr. Dunlop.

I ALSO entirely concur.

(signed) *J. A. Dunlop.*

(4.)

SUMMARY.

In obedience to the orders contained in the seventh paragraph of the Honourable the Governor's minute, dated the 10th ultimo, I proceed to submit a brief summary of the recent proceedings of this Government for suppressing the slave trade within the limits of the Bombay presidency.

2. With the view of effectually suppressing this inhuman traffic carried on between the coasts of Arabia, the Persian Gulf, and the ports of Kattewar and Cutch, it became necessary to obtain the co-operation of the authorities possessing sea-ports in those provinces, in giving effect to the measures best calculated to accomplish so humane and important an object.

3. Most of the chiefs of Kattewar readily assented to our wishes; and it will, I think, only require ordinary vigilance on the part of the political agent stationed in that province, to secure that the nefarious traffic shall be completely suppressed within his jurisdiction.

4. On a communication being made to the Guicowar on the subject, his Highness issued instructions to his officers to liberate all slaves imported at the ports subject to their authority, and to punish the persons who brought them.

5. On a similar communication being made to the Rao of Cutch, his Highness immediately issued a proclamation peremptorily forbidding the carrying on the slave trade within his dominions, and threatening those who may hereafter engage in the traffic with severe punishment.

6. Since the promulgation of this proclamation in Cutch, the following cases have been reported to Government.

7. In August 1836, ten slaves were rescued, and by order of Government sent to Bombay by the political agent at Rajcote; these slaves were brought to Mallice in Kattewar, by a Turk from Cutch, the agent of a merchant named Motbee Japer, residing at Mandavee, and trading between that port and Muscat.

8. The Turk in question was sent to Cutch, and his Highness the Rao was requested to cause a strict inquiry to be instituted into his conduct, as well as into that of his principal, the merchant Motbee Japer, and if found guilty, to punish them for having violated the proclamation against dealing in slaves.

9. In March 1837, three female children were rescued from slavery by the Rao of Cutch; they were brought to Mandavee by some merchants of Sind, who effected their escape immediately after the slaves had been rescued. These children having expressed their willingness to remain with the female attendants in the family of his Highness the Rao, and his Highness having benevolently offered to protect and subsist them, they were to do so, with an explicit understanding that they possessed their freedom.

10. In July 1838, a further seizure of 26 slaves took place at Mandavee: they were brought from Zanzibar and Mombassa; the importers on being examined endeavoured to excuse their conduct by representing that the slaves were not brought for sale. The slaves were informed that they were set at liberty, and might go wherever they chose. On this occasion his Highness the Rao re-issued the proclamation which had been published in 1836, and caused the owner of

No. 7.
BOMBAY.

each vessel clearing out from his ports for the coast of Africa to enter into a bond not to bring back slaves on any pretence whatever.

11. The most effectual measure, however, adopted for the suppression of the slave trade on this side of India, occurred in November 1836, when three Arab vessels from the coast of Maculla were seized at Porebunder, each having on board a number of slaves, of both sexes; these slaves, numbering altogether seventy-four, were rescued by the political agent in Kattewar, and were sent to Bombay, where they were distributed among respectable families, on such terms as secured to them their liberty and kind treatment.

12. The vessels in which these slaves were imported to Porebunder, having soon after arrived at Bombay, the advocate-general was called on to report whether they could under existing laws be detained, and whether the nakhodas, or commanders could be proceeded against for having violated the laws in force against the slave trade.

13. In reply, the advocate-general stated it to be his opinion that this Government had no right either to detain the vessels, or to proceed against their commanders for an infraction of laws to which they were not in any way amenable, more especially in the instance out of which the reference originated, as Porebunder, where the vessels had put in, was a foreign port, and not subject to our laws. In consequence of this opinion no proceedings were adopted, either against the vessels or their commanders.

14. The above seizure and rescue from slavery of 74 human beings was effected under my authority, when I was political agent in Kattewar; the measure was entirely approved by the Bombay Government, but was disapproved of as too precipitate both by the Government of India and by the Honourable Court of Directors. The following extract of a Report of an impartial observer (Lieut. Curless of the Indian navy), dated 1st February 1838, explains the effect which it has produced: "Formerly not more than 150 African slaves were brought annually to Kurachee, but last year 1,500 arrived from Muscat and the African coast; the increase in this disgraceful traffic is said to be owing to the seizure of the slaves brought by an Arab buggaloe to Porebunder, two or three years ago, which appears to have had a good effect on the Arab traders, and will no doubt prevent them from bringing them to any of our ports for the future." From this extract we may form some idea of the extent of the slave trade which must have prevailed in Cutch and Kattewar, previous to the seizure at Porebunder; by closing the ports of these provinces, the traders have been driven to a foreign country, in which we have no control. This is in itself a gain, as rendering the disposal of the slaves more difficult; but fortunately the events now passing in Sind will, it is to be hoped, establish our influence in that country, and enable us eventually to extend our measures against the slave trade to Kurachee and the other parts of Sind.

15. Towards the close of 1836, a boat freighted by a merchant of Mandavee, arrived at Bate, in Kattewar, from the Arabian coast, having on board a number of Abyssinian slaves of both sexes, eight of whom were rescued and brought to Bombay, and disposed of among respectable families.

16. In June 1838 an African slave who had escaped from his master claimed the protection of the political agent at Rajcote, and was set at liberty.

17. Mr. Erskine, the present political agent in Kuttywar, whilst on a recent visit to the Portuguese settlement of Dieu, for the purpose of obtaining information regarding the traffic in slaves alleged to be carried on at that port, had an interview with the Governor, and found his Excellency willing to co-operate with the British Government in suppressing the slave trade, and in proof of his sincerity liberated two slave boys who had been brought up in his Excellency's house, for whom a suitable provision has been made by Government.

18. Within the Ahmednuggur collectorate in the Deccan, two female slaves were in October 1838 rescued from slavery by the magistrate, and placed by Government under the care of the American missionaries residing at Ahmednuggur.

19. The above facts satisfactorily evince the strong desire of this Government

ment to suppress the infamous traffic in slaves, and prove that the measures which have been adopted to attain this object have been attended with considerable success.

20. The treaty concluded by Captain Moresby of His Majesty ship "Mensi," with his Highness the Imaum of Muscat on the 29th August 1822, only renders liable to seizure vessels found engaged in the slave trade "to the eastward of a line drawn from Cape Delgado, passing east of Socotra, and on to Dieu Head, the western point of the Gulf of Cambay."

20 a. The resident in the Persian Gulf has therefore been recently instructed to endeavour to prevail on his Highness to consent to an extension of these limits, by including the provinces of Kattywar and Cutch in the provisions of the existing treaty. The resident has further been directed to endeavour to obtain from the Imaum the right of searching any vessels fitting out from his ports suspected of being engaged in the slave trade, and likewise to obtain a similar privilege from the other chiefs of Arabia with whom we have intercourse.

21. In consequence of the Imaum's absence from Muscat, the resident has not as yet been able to act on the above instructions, but proposes to do so whenever he has an opportunity of personally explaining to his Highness the views and objects of Government on the subject. This officer has recently reported that he anticipates little, if any, difficulty in obtaining the consent of the independent Arabian States in the Gulf to enter into a similar treaty as that entered into with the Imaum.

22. On the 28th April 1838, Captain Hennell reported that he had obtained a written agreement from the chiefs of Shago, Eginan Debage, and Aboothabee, conceding to our cruisers the right of searching and detaining vessels upon the high seas suspected of having slaves on board, and also admitting the further right of seizing and confiscating such vessels in all cases where the suspicion is proved to be well founded.

23. Subsequent to the orders adverted to in the 20 a paragraph of this summary, the resident was further instructed to endeavour to induce the Imaum of Muscat to extend the provisions of the treaty of 1822 to the coasts of Mukran and Sind, or in the event of this not being attainable, as far as the mouths of the Indus, so as to embrace the whole of the ports of Kattywar and Cutch.

24. It having also been ascertained that the subjects of the Koweet chief are in the habit of kidnapping Soomallee girls from the coast of Barbarra, Captain Hennell's attention has been drawn to the existence of this practice, and he has been directed to endeavour to suppress it.

25. On its being brought to the notice of Government by the native agent stationed at Mocha, that certain Arab merchants trading between Bombay and Mocha were in the habit of dealing in slaves, the senior magistrate of police at Bombay was directed to cause all Arab vessels coming to the port to be carefully searched, and in the event of any slaves being discovered on board, to adopt measures for their liberation, and for bringing to punishment those who imported them.

26. The collector of sea customs was at the same time instructed to co-operate with the magistrate of police in detecting parties engaged in the traffic.

27. In May 1837 Lieutenant Rogers, of the Indian navy, then in command of the Honourable Company's brig of war Euphrates, found three slave boys on board two vessels lying in the Judda Harbour, under English colours, whom he rescued and sent to Bombay; the boys were made over to two respectable persons on their entering into an agreement to protect them, and to assign them suitable wages for their labour.

28. The advocate-general was requested to report the course which ought to be pursued towards vessels having slaves on board under the circumstances represented by Lieutenant Rogers. In reply, he stated it to be his opinion, that unless the Government of India would pass an Act empowering the vessels of the Company's navy to make seizures of ships for a breach of the slave laws, the commander of such vessels ought not to interfere at all.—(Vide his Report, dated 21st November 1837.)

No. 7.
BOMBAY.

29. In the journal of the Reverend Joseph Wolfe, dated the 9th June 1836, it was stated that the Nayeib of Arcolee sent his Mussulman servants to different parts of Abyssinia for the purpose of stealing the children of the Christians and disposing them at Mosawah. This statement having appeared in a newspaper, the Superintendent of the Indian navy was requested to instruct the senior officer in the Red Sea to inquire and report on the subject.

30. On the 29th May 1838, the Superintendent forwarded a report to Government, drawn up by Commander Nott, from which it appeared that a great traffic in slaves is carried on at Mosawah, and that 1,300 Christians were recently captured by one of the general officers of the Pacha of Egypt, in the province of Gondar, and sent to Zumar, from whence 500 were selected and sent to Cairo, evidently destined for slavery.

31. It is intended by Government to bring these circumstances to the knowledge of the home authorities, and earnestly to recommend that measures may be adopted for the prevention of the abominable traffic, thus shown to be carried on in Christian slaves from Abyssinia, and that the Pacha may be persuaded to prevent the exportation of Christian slaves from their own to Mahomedan countries.

32. It also occurred to Government to issue the following proclamation in the English, Persian, Arabic, Guzerattee and Mahratta languages, for general information and distribution :—

“ The Governor in Council of Bombay having reason to believe that the traffic in slaves is carried on, to a considerable extent, by persons in Arabs boats and vessels from the ports in the Red Sea and Persian Gulf, and other ports, importing slaves of both sexes and of various ages into the port of Bombay, and other ports and places subordinate to the presidency of Bombay, and having determined to use every exertion to suppress the nefarious traffic so disgraceful to humanity, hereby notifies and proclaims that all persons found guilty of such practices, or in any other manner offending against the laws for the abolition of the slave trade, shall be apprehended and prosecuted with the utmost rigour, and severely punished as the law directs; and the boats or vessels employed in the trade, together with the slaves, and all the goods and property that may be found on board, shall be seized, and immediate steps taken for their condemnation and forfeiture, and the liberation of the slaves themselves; and to encourage the discovery of offenders, a reward is held out, by Act of Parliament, of a moiety of the penalty of 100*l.* sterling for each slave, to any person who shall inform, and sue, and prosecute for the same; but as a further encouragement to discovery, the Governor in Council of Bombay hereby notifies and proclaims, that a reward rupees shall be paid by Government to all persons who shall give information and conviction of any offender, or to the seizure and condemnation of any vessel engaged in the trade.”

Sic orig

33. The advocate-general, however, on being consulted, was of opinion that no such proclamation should be issued, or any port regulations framed as far as regards the seizure of persons and vessels, until this Government was advised of the nature of the Act which the Government of India might be pleased to pass into a law applicable to the traffic in slaves as carried on in India.

34. A reference was therefore made on the above subject to the Government of India, on the 30th October 1837, and on the 25th November following this Government was informed, in reply, that the attention of the members of the Law Commission had been called to the question of the slave trade in Arab vessels from ports in the Red Sea and Persian Gulf, in the hope that they might be able to give practical effect to the humane suggestions of this Government for the prevention of the traffic in slaves.

35. In a further communication from the Government of India, dated the 3d September last, it is stated that till the necessity and expediency of the provisions recommended by the Government for the suppression of the slave trade are made evident, that authority must hesitate in proceeding to legislate on this very difficult and delicate subject.

36. In this communication it is further observed, that the particular cases adduced by this Government to show the necessity of any such acts as that proposed

posed are exceedingly weak; and that before legislating with a view to the suppression of the traffic in slaves, the Government of India wishes to be informed whether such traffic is actually carried on at the ports within the Company's territories, and to be furnished with all the instances that may have occurred of the discovery of such traffic. In conclusion, the opinion of this Government is requested, whether it would be sufficient and efficacious as a remedy, if the power proposed to be conferred by the Act were limited to seizures on shore, before the imported slaves are removed to the interior, and still more whether the object in view would be completely attained, if the power were extended to harbours. A constant press of business of great political importance, during the last two months, has prevented the Honourable Board from resuming consideration of the subject.

37. I beg to apologize for this imperfect summary of our proceedings, as I have been much hurried in its preparation, in the hope of being able to complete it in time to dispatch it with Mons. Fontanier's statement by the steamer.

(signed) *J. P. Willoughby,*

Secretary to Government.

31 December 1838.

(True copies.)

(signed) *J. P. Willoughby,*

Secretary to Government.

Ordered, that a copy of the foregoing despatch from the Secretary to the Government at Bombay, be sent to the Judicial Department of the Government of India, for communication to the Law Commission, in continuation of the extract from this department, No. 11, dated 30th October.

(True extract.)

(signed) *H. V. Bayley,*

Officiating Deputy Secy to Government, India.

(No. 68.)

From *F. Millett*, Esq. Officiating Secretary to Government of *India*, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated the 4th March 1839.

No. 16.

Sir,

In continuation of Mr. Secretary Prinsep's letter, No. 49, dated the 11th ult. I am directed by the Honourable the President in Council to forward to you, for the consideration of the Indian Law Commissioners, the accompanying copy of an extract from the proceedings of the Government of India in the Political Department, dated the 13th ultimo.

I have, &c.

Council Chamber, 4 March 1839.

(signed) *F. Millett,*

Officiating Secy to Government of India.

No. 7.
BOMBAY.

No. 4610.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 23 October 1839.

From Captain *S. Hennell*, Resident in the *Persian Gulf*, to *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, dated 19 July 1839.

Sir,

I HAVE the honour to acknowledge your letter, No. 2378, in this department, under date the 12th December last, upon the subject of the slave trade carried on in the Gulf of Persia.

2. Adverting to the second paragraph of your communication, I beg respectfully to observe, that in noticing Mr. Mackenzie's remark regarding a disgraceful traffic in young women being carried on in every port of consequence in the Persian Gulf, I did not for a moment mean to imply that the protection secured to the negroes of the coast of Barbara, under the treaty with Sir William Grant Keir, excluded the Abyssinians. The carrying away a native of Abyssinia by force is, by that treaty, equally an act of piracy as kidnapping a negro from Barbara, and would, if proved, be treated as such.

3. The Honourable the Governor in Council may rely with confidence upon my gladly availing myself of every opening which may offer, to use my utmost exertions in the restriction and suppression of a traffic so opposed to all the best feelings of humanity. A great advance would be made in this important object if the Imaum were persuaded to extend the line beyond which the vessels of his Highness engaged in the slave trade are liable to seizure, from Diu Head to Cape Guadel, on the coast of Mekran. I have long been looking for the return of his Highness to Muscat, in order to have an opportunity of personally communicating with him upon the subject, but, judging from the manner in which his return has been procrastinated, it would almost appear as if Syed Said were determined not to revisit his Arabian territories, although it is again currently reported he intends shortly to do so. I found, during my late visit to Muscat, that it was perfectly useless discussing any questions of this nature with the Regency of that place, as they always gave out that they could not act in any affair excepting under the special authority and sanction of his Highness the Imaum.

4. With regard to the maritime Arabian chiefs, I have much satisfaction in enclosing the accompanying Arabic copies and a translation of engagements which have been entered into by Shaik Khulcefa of Aboothabu, Shaik Mukhoomtum of Debay, Shaik Abdoollah of Amulgaveen, and Shaik Sultan of Rasel Khyma. The first article of these engagements gives our vessels the right of search beyond a line drawn from Cape Delgado to Cape Guadel; the second renders any vessel belonging to the above chiefs, found with slaves on board, beyond the limits specified, liable to seizure and confiscation; the third makes the sale of Soomalees an act of piracy.

5. The restrictive line and other remedial measures suggested by me in my letter of the 3d September 1838, have thus been agreed to by the principal Arabian chiefs of the Gulf, and with these concessions I was obliged to remain satisfied for the present, as, with reference to the intrigues now carrying on among them by the emissaries of Kharshid Pasha, it appeared to me impolitic to press them further upon a subject they at all times approach with suspicion and reluctance.

I have, &c.

(signed) *S. Hennell*,
Resident in the Persian Gulf.

Residency in the Persian Gulf,
Kharrack, 19 July 1839.

MINUTE by the Honourable the Governor, subscribed to by the Board, dated 21st October.

THE Resident's proceedings may be entirely approved.

He should embrace the first favourable opportunity of inducing the Imaum of Muscat to extend the line of prohibition of the slave trade by his subjects.

The engagements entered into by the maritime Arab chiefs are very satisfactory, and the requisite information should be communicated to the Superintendent.

dent of the Indian Navy, in order that he may issue instructions to the several officers commanding vessels of war.

Copy of this letter should be sent to the Governor-general, with a suggestion that the aforesaid treaty should be published in the Government Gazette of this presidency.

Copy also should be sent to the Honourable Court of Directors by an early opportunity.

(signed) *J. R. Carnac.*

J. Farish.

G. W. Anderson.

No. 7.

ROMBAY.

TRANSLATION of an AGREEMENT entered into by *Shaik Sultan Bin Suggur*, Chief of *Rasel Khymah*, dated off *Rasel Khymah*, 3d July 1839.

I, SULTAN BIN SUGGUR, shaik of the Joasmee tribe, do hereby declare, that I bind and pledge myself to the British Government in the following engagements:

1. That the Government cruizers, whenever they may meet any vessel belonging to myself or my subjects, beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the island of Socotra, and ending at Cape Guadel, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain or search it.

2. Should it on examination be proved that any vessel belonging to myself or my subjects is carrying slaves, whether men, women, or children, for sale, beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo; but if the aforesaid vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

3. As the selling of males and females, whether grown up or young, who are "hoor," or free, is contrary to the Mahomedan religion, and whereas the Soomalce tribe is included in the "ahrar," or free, I, Sultan Bin Suggur, do hereby agree that the sale of males and females, whether young or old, of the Soonamallee tribe, shall be considered as piracy, and that after four months of this date, all those of my people convicted of being concerned in such an act shall be punished the same as pirates.

Seal of (L. S.) *Sultan Bin Suggur.*

(True translation.)

(signed) *S. Hennell,*
Resident in the Persian Gulf.

Note.—A similar agreement to the above was entered into by *Shaik Khuleefa Bin Shakbool*, on the 1st July 1839, and by *Shaik Mukhtoon*, of *Debave*, and *Shaik Abdoolah Bin Rashed*, of *Amulgaveen*, on the 2d of the same month.

(True copy.)

(signed) *S. Hennell,*
Resident in the Persian Gulf.

From *W. S. Boyd, Esq.* Secretary to Government, to the Resident in the *Persian Gulf*, dated 21 October 1839.

Sir,

1. I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, with enclosures, dated the 19th July last, No. 60, and to request that you will be pleased to embrace the first favourable opportunity of inducing his Highness the Imaum of Muscat to extend the line of prohibition of the slave trade by his subjects from Diu Head to Cape Guadel, on the coast of Mekran.

2. The engagements entered into by the principal maritime Arabian chiefs regarding the slave trade, are considered by the Governor in Council highly satisfactory, and he is pleased to approve the whole of your proceedings, now reported.

NO. 7.
BOMBAY.

3. The Superintendent of the Indian Navy has been requested to issue the necessary instructions to the officers commanding the Honourable Company's vessels of war, on the subject of the articles of the engagements above adverted to.

I have, &c.

(signed)

W. S. Boyd,
Secretary to Government.

Bombay Castle,
21 October 1839.

From *W. S. Boyd*, Esq. Secretary to Government, *Bombay*, to the Secretary with the Right honourable the Governor-general of *India*, dated 21 October 1839.

Sir,

WITH reference to Mr. Secretary Willoughby's letter, dated the 12th December last, No. 2379, regarding the slave trade carried on in the Gulf of Persia, I am directed by the Honourable the Governor in Council to transmit to you, for the purpose of being submitted to the Right honourable the Governor-general of India, copy of a communication from Captain Hennell, resident in the Persian Gulf, on the same subject, and of my reply thereto, of this date.

In forwarding these documents I am desired to request, that the Governor in Council may be favoured with the opinion of his Lordship as to the expediency of publishing in the Bombay Government Gazette the engagements regarding the slave trade, entered into by the maritime Arabian chiefs, alluded to in the fourth paragraph of Captain Hennell's communication.

I have, &c.

(signed)

W. S. Boyd,
Secretary to Government.

Bombay Castle,
21 October 1839.

From *W. S. Boyd*, Esq. Secretary to Government, *Bombay*, to the Superintendent of the Indian Navy, dated 21 October 1839.

Sir,

IN transmitting to you the enclosed extract, paragraph 4, of a letter from the resident in the Persian Gulf, dated the 19th July last, and of the engagements therein alluded to, entered into by the maritime Arabian chiefs, regarding the slave trade, I am directed by the Honourable the Governor in Council to request that you will be pleased to issue the necessary orders to the officers commanding the Honourable Company's vessels of war, on the subject of the articles of the engagements in question.

I have, &c.

(signed)

W. S. Boyd,
Secretary to Government.

Bombay Castle,
21 October 1839.

(True extract.)

(signed)

W. R. Morris,
Secretary to Government.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 4 December 1839.

From *T. H. Maddock*, Esq. Officiating Secretary to Government of *India* with the Governor-general, to *W. S. Boyd*, Esq. Secretary to Government, *Bombay*, dated 7 November 1839.

Sir,

I AM desired by the Right honourable the Governor-general of India to acknowledge the receipt of your letter of the 21st ult., forwarding copy of a correspondence with the resident in the Persian Gulf, and to acquaint you in reply, that

that his Lordship sees no objection to the publication, in the Bombay Gazette, of the engagements regarding slave trade entered into by the maritime Arabian chiefs.

No. 7.
BOMBAY.

I have, &c.

(signed) *T. H. Maddock,*

Officiating Secretary to Government of India
with the Governor-general.

Camp at Kote Kutchwa,
7 November 1839.

(Political Department.)

THE following engagement, for the suppression of the slave trade in the Persian Gulf, entered into with the British Government by each of the four following maritime Arabian chiefs, in the month of July last, is published for general information, namely, Shaik Kuleefa, of Aboothabee; Shaik Mukhtoon, of Debaye; Shaik Abdoolah, of Amulgaveen; and Shaik Sultan Bin Suggur, of Rasel Khymah.

"I do hereby declare, that I bind and pledge myself to the British Government in the following engagements:"

1. That the Government cruizers, whenever they may meet any vessel belonging to myself or my subjects beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the island of Socotra, and ending at Cape Guadel, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

2. Should it on examination be proved that any vessel, belonging to myself or my subjects is carrying slaves, whether men, women, or children, for sale, beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo; but if the aforesaid vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

3. As the selling of males and females, whether grown up or young, who are "hoor," or free, is contrary to the Mahomedan religion, and whereas the Soomalee tribe is included in the ahrar, or free, I do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that after four months from this date, all those of my people convicted in being concerned in such an act shall be punished the same as pirates.

By order, &c.

(signed) *L. R. Reid,*

Chief Secretary to Government.

Bombay Castle, 3 December 1839.

(True extract.)

(signed) *J. M. Morris,*

Secretary to Government.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 20 May 1840.

No. 2075.

(No. 123.)

From Captain *S. Hennell*, Resident in *Persian Gulf*, to *L. R. Reid*, Esq. Acting Chief Secretary to Government, *Bombay*, dated 17 December 1839.

Sir,

With reference to Mr. Secretary Wathen's letter, No. 2045, in this department, under date the 30th October 1837, transmitting a copy of the treaty concluded by Captain Moresby with the Imaum of Muscat, prohibiting the traffic in slaves within certain limits, and at the same time conveying the instructions of the Honourable the Governor in Council that I should endeavour to prevail upon his Highness to consent to an extension of these limits, and to concede to us by treaty the right of detaining and searching on the high seas any vessels fitted out from his ports, and open to the suspicion above mentioned;

No. 7.
OMHAY

I have now the honour to report, for the information of the Government, that I have taken the opportunity of my personal communications with his Highness, during my present visit, to bring the subject adverted to in the preceding paragraph to the notice of his Highness. After some discussion, I am happy to state that I have succeeded in prevailing upon his Highness to grant the additional privileges asked by the Government, by authorizing the right of search, and extending the boundary line laid down in Captain Moresby's treaty from Diu Head to Pussein, the eastern extremity of the territories of his Highness, on the coast of Mekran, thus including the coasts of Kattiawar, Cutch, Karatchee, and upwards of four degrees westwards, in the limits within which the subjects of Muscat are forbidden to carry on the slave trade.*

ide ad paragraph
etter to Mr. Wil-
ghby, No. 15,
ltical Depart-
nt, 28th April
18.

2. In the course of the discussion his Highness complained much of the conduct of the crews of the vessels visiting his African possessions, belonging to the Arabian ports in the Persian Gulf lying between Rasel Khymah and Aboothaba. These vessels, he said, carried off by force or fraud three or four slaves for every one purchased there. I expressed my regret on hearing this, and referred to the * arrangements which Shaik Sultan Bin Suggur had informed me he had made with his Highness to put a stop to such practices. The Imaum laughed, and said that he had actually taken 20 stolen slaves out of the vessel of the very individual who had been sent by the Joasmee Shaik on this mission. On my asking why his Highness did not increase the strictness of his port regulations, he answered that he had tried every expedient without success, and that only one remedy remained, viz. a total prohibition to the Joasmee boats visiting Zanzibar; and that provided the Government saw no objection, he would forbid their entrance into his ports on the African coast. I replied, that I considered his Highness had every right to adopt such measures as he thought necessary to put an end to this infamous proceeding, and that I did not imagine the Government would object to his excluding the Joasmees altogether from Zanzibar if he thought proper; but that if his Highness desired, I would make a reference upon the subject. The Imaum answered that he wished me to do so.

3. After the warning which Shaik Sultan Bin Suggur has received, regarding the conduct of his subjects in the Imaum's possessions on the African coast, and which appears to have had little effect, I do not consider that he has any right to expect that the Government should come forward to save him from the consequences; and I would therefore respectfully submit to the Honourable the Governor in Council that his Highness the Imaum should be recommended to adopt such measures as may appear best adapted to put an end to the nefarious practices complained of by him.

4. In doing myself the honour to enclose an authenticated copy and translation of the Additional Articles now agreed to by the Imaum, which, at the request of his Highness, were appended to a transcript of the treaty entered into with him by Captain Moresby in September 1822,

I have, &c.
(signed) S. Hennell,
Resident Persian Gulf.

H. C. Sloop-of-war Clive, Muscat Cove,
17 December 1839.

TRANSLATION of ADDITIONAL ARTICLES regarding the Suppression of the Foreign Slave Trade entered into by His Highness *Seed Said Bin Sultan*, the Imaum of Muscat.

I AGREE that the following articles be added to the above treaty, concluded by Captain Moresby on the aforesaid date.

1. That the Government cruizers, whenever they may meet any vessel belonging to my subjects beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the island of Socotra and ending at Pussein*, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

2. Should it on examination be found that any vessel belonging to my subjects is carrying slaves, whether men, women, or children, for sale, beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo; but if the said vessel shall pass beyond the aforesaid line owing to stress

in the Mekran

3. As the selling of males and females, whether grown up, or young, who are "hoor" or free, is contrary to the Mahomedan religion; and whereas the Soomalees are included in the hoor or free; I do here by agree that the sale of males and females, whether young or old of the Soomalee tribe, shall be considered as piracy, and that, four months from this date, all those of my people convicted of being concerned in such an act shall be punished as pirates.

Dated 10 Showal 1255 A. H. corresponding to the 17th December A. D. 1839.

Seal of (L. S.) *Seid Bin Sultan.*

(True translation.)

(signed) *S. Hennell,*
Resident Persian Gulf.

(No. 15 of 1840.)

From Captain *S. Hennell*, Resident in the *Persian Gulf*, to *J. P. Willoughby, Esq.*
Secretary to Government, *Bombay*, dated 16 February 1840.

No. 2076.

Sir,

I HAVE the honour to acknowledge the receipt of Mr. Acting Secretary Boyd's letter, No. 1796, in this department, dated 21st October last, directing me to embrace the first favourable opportunity of inducing his Highness the Imaum of Muscat to extend the line of prohibition of the slave trade by his subjects from Diu Head to Cape Guadel on the coast of Mekran.

2. My letter from Muscat, No. 123, in this department, under date the 17th December last, will have made the Honourable the Governor in Council acquainted with the successful result of my negotiations with his Highness on this point; the only difference being that the boundary line was made to terminate at Pussein instead of Guadel, the Imaum having objected to the latter place as being situated within his possessions on the Mekran coast.

3. As the distance between Cape Guadel and Pussein is not more than 70 miles, the difference is of small consequence, as I venture to hope that the objects contemplated by the Government have been sufficiently attained by the concessions which his Highness has been prevailed upon to make upon points he is in general exceedingly unwilling to bring under any discussion.

I have, &c.
(signed) *S. Hennell,*
Resident in the Persian Gulf.

MEMORANDUM by the Secretary to Government, dated 10 April 1840.

No. 2077.

1. IN consequence of a seizure of slaves effected at Porobunder towards the end of 1835, the attention of the Bombay Government was directed to the fact that an extensive slave trade was carried on between the ports in the Red Sea and Persian Gulf, and those of Kattywar and Cutch: a discussion ensued respecting the best mode of effectually suppressing this nefarious traffic.

2. On the 30th October 1837, the resident in the Persian Gulf was instructed to endeavour to prevail on his Highness the Imaum of Muscat to extend the provisions of the treaty concluded by Captain Moresby, so as to include the provinces of Kattywar and Cutch, and to obtain permission from his Highness to search vessels fitted out from his ports suspected of being engaged in the slave trade.

3. Captain Moresby's treaty, dated the 29th August 1822, merely prohibited the slave trade by subjects of the Imaum, if found to the eastward of a line drawn from Cape Delgado, passing east of Socotra on to Diu Head, the western point of the Gulf of Cambay.

4. On the same occasion the resident was instructed to endeavour to conclude similar engagements with the other Arabian chiefs of the Persian Gulf.

No. 7.

BOMBAY.

Shaik Khuleefa
of Aboothabee.
Shaik Muktoom
of Debay.
Shaik Abdoollah
of Amulgaveen.
Shaik Sultan of
Rasel Khymah.

5. On the 19th July 1839, Captain Hennell reported that the Arab chiefs noted in the margin, had entered into an engagement of three articles, prohibitory of the slave trade. By the first, the right of search is conferred on our vessels beyond a line drawn from Cape Delgado to Cape Guadel, in Mekran. By the second, vessels found beyond those limits with slaves on board are declared liable to seizure and confiscation. By the third, the sale of Soomalees is declared an act of piracy.

6. These engagements have been published in the Government Gazette, and orders issued to the Superintendent of the Indian navy, for their enforcement by the officers of the Indian navy.

7. On the 21st October 1839, the resident was again requested to embrace the first opportunity of inducing the Imaum of Muscat to extend the line of prohibition of the slave trade by his subjects from Diu Head to Cape Guadel on the coast of Mukran.

8. In the meantime Captain Cogan was sent by Her Majesty's Government to conclude a treaty with the Imaum of Muscat, according to a printed draft furnished for his guidance. In his letter forwarding copy of a treaty entered into by the Imaum, Captain Cogan observes, "The abolition of slavery in his Highness' dominions, which is a subject of much solicitude with Her Majesty's Government, has only been advanced by the more formal confirmation of the treaty of 1822, and with permission for the ships and vessels of the East India Company to give force and effect to its stipulations, which had previously been interdicted." In the same letter, this officer states it to be his opinion, "that there are serious difficulties in obtaining further amicable concessions from the government of Muscat, unless we tender some pecuniary equivalent, supported by naval protection against the neighbouring Mahomedan powers interested in the countenance of the slave trade."

Side article XV. of
the treaty.

9. Under these circumstances, it is highly satisfactory to observe from Captain Hennell's report, of the 17th December last, that he has succeeded in obtaining much more extensive concessions from the Imaum than those obtained by Captain Cogan. His Highness has in fact acceded to the wishes of this Government, "by authorizing the right of search, and extending the boundary line laid down in Captain Moresby's treaty, from Diu Head to Pussein, the eastern extremity of the territories of his Highness on the coast of Mukran, thus including the coasts of Kattywar, Cutch, Kurachee, and upwards of four degrees westward, in the limits within which the subjects of Muscat are forbidden to carry on the slave trade."

10. I cannot more strongly point out the great advance which, with proper care and vigilance, may now be made in suppressing the slave trade, than by noticing the fact mentioned in one of Captain Outram's recent despatches, that no less than between 700 and 800 slaves are annually imported at Kurachee in Sindh.

11. The Honourable Board's consideration is requested to the second and following paragraphs of the resident's letter of the 19th December last; the only way in which the evils therein noticed can be checked, appears to be to leave his Highness the Imaum free to adopt such measures as he may deem expedient.

12. In a subsequent letter, dated the 16th February 1840, Captain Hennell explains, that the new boundary line is made to terminate at Cape Pussein, instead of Guadel, "the Imaum having objected to the latter place, as being situated within his possessions on the Mekran coast:" the distance between the two capes, however, is stated to be only 70 miles.

13. The new treaty should perhaps at once be published in the Government Gazette, and the Superintendent of the Indian navy be directed to adopt effectual measures for its enforcement. The political agents in Kattywar, Cutch, and Lower Sindh, should also be informed of the extension of the boundary line, so as to include the ports and coasts within their jurisdiction. Captain Hennell's proceedings will doubtless receive the warm commendations of Government, and it may perhaps be deemed advisable to address his Highness the Imaum of Muscat in suitable terms, when the opportunity might be taken of sending presents of equal value to those recently received from Muscat. Finally, these proceedings may be reported to the Government of India and the home authorities.

(signed) J. P. Willoughby,
Secretary to Government.

10 April 1840.

MINUTE by the Honourable the Governor, subscribed to by the Board, dated
13 April 1840.

No. 7.
BOMBAY
No. 2078.

THE information embodied in the memorandum is highly satisfactory. It has long been an object of great solicitude with this Government that the Imaum should be prevailed upon to extend the limits within which the slave trade was prosecuted by subjects of his kingdom, which extended to the coasts of countries subject to the tributaries of this Government, or to states in alliance with it. A very considerable traffic has long been known to have been carried on, more particularly from Africa, with the Portuguese settlement of Diu, on the coast of Kattywar, with the port of Mandavee, in Cutch, and with those in Scinde. By the arrangements effected with his Highness the Imaum, through the agency of Captain Hennell, that officer has the merit of having effectually put it in our power to exclude the slave trade on the long line of coast extending from Bombay to Cape Pushein in Mukran. For this valuable service Captain Hennell should receive the thanks of this Government, and at the same time a letter should be addressed to the Imaum, expressive of the high satisfaction of the British Government at receiving the gratifying intelligence of his co-operation in the accomplishment of an object in which the British nation take the deepest interest, and that, in the opinion of this Government, his Highness could not have given a better proof of his friendship. I approve of the suggestion in the Secretary's memorandum, that the opportunity of addressing this letter should be taken for the return of the presents we have recently received from his Highness. The treaty concluded with the Imaum to be published in the Government Gazette, and the other recommendations in the memorandum to be adopted.

(signed)

J. R. Carnac.

J. Farish.

G. W. Anderson.

13th April 1840.

(Political Department.)

NOTIFICATION.

HIS Highness Seid Said Bin Sultan, the Imaum of Muskat, having, on the 17th of December 1839, consented to the three following articles being added to the treaty concluded with his Highness by Captain Moresby, under date the 29th of August 1822, prohibiting any traffic in slaves being carried on by sea within certain limits in his Highness's territories, the same are now published for general information.

"I agree that the following articles be added to the above treaty concluded by Captain Moresby, on the aforesaid date."

1. "That the Government cruizers, whenever they may meet any vessels belonging to my subjects, beyond a direct line drawn from Cape Delgado, passing two degrees seaward of the island of Socotra, and ending at Pussein*, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it."

* On the Mekra coast.

2. "Should it on examination be found that any vessel belonging to my subjects is carrying slaves, whether men, women, or children, for sale, beyond the aforesaid line, then the Government cruizers shall seize and confiscate such vessel and her cargo; but if the said vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized."

3. "As the selling of males and females, whether grown up, or young, who are 'hoor' or free, is contrary to the Mahomedan religion; and whereas the Soomalees are included in the hoor or free; I do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that four months from this date all those of my people convicted of being concerned in such an act shall be punished as pirates. Dated 10th Showal 1255 A. H. corresponding to the 17th December A. D. 1839."

Seal of (L. S.) *Seid Bin-Sultan.*

(True translation.)

(signed) *S. Hennell, Resident Persian Gulf.*

No. 7.
BOMBAY.

(No. 989.)

No. 2079.

Resolution of Government in the Political Department, dated 18 May 1840.

ORDERED, That a copy of the above Notification be transferred to the Persian Department, that the same may be published in the next Government Gazette, in the Arabic, Persian, Guzerattee and Mahratta languages.

Ordered also, That an extract paragrah 1, of the communication from the resident in the Persian Gulf, dated the 17th December last, be transferred to the Persian Department, with a request that a letter may there be prepared to the address of the Imaum of Muscat, expressive of the high satisfaction which the British Government has derived in receiving the present gratifying intelligence of his Highness's co-operation in the accomplishment of an object in which the British nation takes the deepest interest, and informing his Highness that he could not have afforded Government a better proof of his friendship and regard.

Ordered further, That when the above letter is transmitted to the Imaum of Muscat, it be accompanied by presents from this Government to his Highness, equal in value to those lately received from his Highness, on his return to Muscat; the Persian secretary selecting such articles as, in his opinion, will be most acceptable to his Highness.

(signed) *J. P. Willoughby,*
Secretary to Government.

No. 2080.

(No. 990 of 1840.)

From *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, To Captain *S. Hennell*, Resident in the *Persian Gulf*, dated 18 May 1840.

Sir,

1. I AM directed to acknowledge the receipt of your letters, dated the 17th December, No. 123 of 1839, and the 16th February, No. 15 of 1840, reporting the successful result of your negotiations with the Imaum of Muscat, in inducing his Highness to extend the line of prohibition of the slave trade by his subjects from Diu Head to Cape Pussein on the coast of Mekran.

Sic orig.

2. In reply, I am desired to observe, that it has long been an object of great solicitude with the British Government that the Imaum should be prevailed upon to extend the limits within which the slave trade has been prosecuted by subjects of his Highness's kingdom, which extended to the coasts of countries subject to the tributaries of this Government, or to states in alliance with it, and to communicate to you the warmest commendation of the Honourable the Governor in Council for your valuable exertions in obtaining such an extensive concession from the Imaum as that now reported.

3. A very considerable traffic in slaves has long been known to have been carried on, more particularly from Africa, with the Portuguese settlement of Diu, on the coast of Kattywar, with the port of Mandavie in Cutch, and with those in Scinde. By the arrangements which have now been effected through your instrumentality with his Highness the Imaum, Government will have the power effectually of excluding this nefarious trade, on the long line of coast extending from Bombay to Cape Pussein, in Mekran, a service which is duly estimated by the Governor in Council.

4. Enclosed is translation of a letter which has been addressed by the Honourable the Governor to his Highness the Imaum, expressive of the high satisfaction of Government in receiving the gratifying intelligence of his Highness's co-operation in the accomplishment of an object in which the British nation has ever taken the deepest interest, and intimating that his Highness could not have afforded a better proof of his friendship and regard.

5. With reference to the second and following paragraphs of your letter, dated the 17th December last, I am desired to inform you that the Governor in Council is of opinion that the only way in which the evils therein mentioned can be checked, will be by leaving the Imaum free to adopt such measures as his Highness may deem expedient.

6. The

6. The new treaty agreed to by his Highness, will immediately be published in the Government Gazette at this Presidency, and the Superintendent of the Indian Navy will be directed to adopt effectual measures for its enforcement.

7. A communication will also be addressed to the political agents in Kattywar, Cutch, and Lower Sindh, informing those officers of the extension of the new boundary line, so as to include the ports and coasts within their jurisdiction.

7.
BOMBAY

I have, &c.

(signed) J. P. Willoughby,
Secretary to Government.

Bombay Castle, 18 May 1840.

(No. 991 of 1840—Political Department.)

From J. P. Willoughby, Esq. Secretary to Government, Bombay, to the Superintendent of the Indian Navy, dated 18 May 1840.

No. 2061

Sir,

I AM directed by the Honourable the Governor in Council to transmit for your information, an extract paragraph 1, from a letter from Captain Hennell, the Resident in the Persian Gulf, dated the 17th December last, together with translations of three articles which his Highness the Imaum of Muscat has consented to being added to the treaty concluded with his Highness by Captain Moresby, under date the 29th August 1822, prohibiting any traffic in slaves being carried on within certain limits in his Highness's territories; and to request that you will be pleased to adopt effectual measures for the enforcement within the extended boundary of the further prohibition now agreed to by His Highness.

I have, &c.

(signed) J. P. Willoughby,
Secretary to Government.

Bombay Castle, 18 May 1840.

(No. 992 of 1840—Political Department.)

From J. P. Willoughby, Esq. Secretary to Government, Bombay, to the Political Agent in Kattywar, dated 18 May 1840.

No. 2062

Sir,

I AM directed by the Honourable the Governor in Council to transmit, for your information, an extract paragraph 1, from a letter from Captain Hennell, the resident in the Persian Gulf, dated the 17th December last, together with translations of three articles which his Highness the Imaum of Muscat has consented to being added to the treaty concluded with his Highness by Captain Moresby, under date 29th August 1822, prohibiting any traffic in slaves being carried on within certain limits in his Highness's territories.

2. In these additional articles the Imaum of Muscat authorizes the right of search, and extends the boundary line laid down in Captain Moresby's treaty, from Din Head to Pussein, the eastern extremity of the territories of his Highness on the coast of Mekran, thus including the coasts of Katteewar, Cutch, Khurachee, and upwards of four degrees westward, in the limits within which the subjects of Muscat are now forbidden to carry on the slave trade.

3. In forwarding this communication, I am desired to request that you will be pleased to adopt such measures as may appear to you to be necessary, from time to time, for preventing the importation of slaves by any subjects of Muscat, on the line of coast within the range of your jurisdiction, reporting your proceedings for the information of Government.

I have, &c.

(signed) J. P. Willoughby,
Secretary to Government.

Bombay Castle, 18 May 1840.

The same as above, to the political agent in Lower Sindh (No 993), and the political agent in Cutch (No. 994).

No. 7
BOMBAY.

No. 2083.

(No. 995 of 1840.—Political Department.)

From *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, to *T. H. Maddock*, Esq. Secretary to the Government of *India*, dated 18 May 1840.

Sir,

he Secretary with the Governor-general of India, dated 11 July 1838.
ditto, ditto, dated 6 August 1838.
ditto, ditto, dated 12 Dec. 1838.
n ditto, ditto, dated 5 January 1839.
ditto, ditto, dated 21 Oct. 1839.
n ditto, ditto, dated 7 Nov. 1839.
n ditto, ditto, dated 23 March 1840.
ditto, ditto, dated 4 May 1840.

1. WITH reference to the correspondence noted in the margin, relative to the traffic in slaves carried on in the Persian Gulf, I am directed by the Honourable the Governor in Council to transmit to you, for the purpose of submission to the Right honourable the Governor-general of India in Council, extracts from the further proceedings of this Government on the same subject.

2. From Captain Hennell's letter, dated the 17th December last, the Government of India will be gratified to perceive that the Imaum of Muscat has consented to three articles being added to the treaty concluded with his Highness by Captain Moresby, under date the 29th August 1822, in which his Highness authorizes the right of search, and extends the boundary line laid down in Captain Moresby's treaty from Diu Head to Pussein, the eastern extremity of the territories of his Highness on the coast of Mekran, thus including the coasts of Katteewar, Cutch, Khurachee, and upwards of four degrees westward, in the limits within which the subjects of Muscat are now forbidden to carry on the slave trade.

3. Enclosed is copy of a summary drawn up by Mr. Secretary Willoughby, in which a review is taken of the proceedings which, during the last three years, have been adopted by this Government for the purpose of suppressing the traffic in slaves in the Persian Gulf.

4. Copies of the orders which have been issued by this Government, consequent on the receipt of Captain Hennell's letter, dated 17th December last, are herewith forwarded for the information of his Lordship in Council.

I have, &c.

(signed)

J. P. Willoughby,

Secretary to Government.

Bombay Castle, 18 May 1840.

(True extract.)

(signed)

L. R. Reid,

Chief Secretary.

(No. 26 of 1840.—Political Department.)

From *A. Hamerton*, Captain in Political Duty, *Muscat*, to *L. R. Reid*, Esq., Chief Secretary to Government of *Bombay*, dated 1 July 1840.

Sir,

I HAVE the honour to forward the accompanying letter from his Highness the Imaum to the address of the Honourable the Governor.

I have, &c.

(signed)

A. Hamerton,

Captain in Political Duty, *Muscat*.

Muscat, 1 July 1840.

(Persian Department.)

SUBSTANCE of a LETTER from His Highness the Imaum of *Muscat* to the Honourable the Governor, dated 29 Rube'e Oolakhir (30 June), and received 7 July 1840.

A. C.

THE letter which your Honour sent by the steamer came to my hands at an auspicious time, and afforded me great pleasure.

I have understood its contents, especially that part which has reference to what Captain Hennell, resident in the Persian Gulf, has written to your Honour, regarding the fixing of the limits within which the slave trade is prohibited. What he has communicated to your Honour is true. He explained to me the wishes of Government,

AND MEASURES TAKEN FOR

Government, and I assented to them, saying, that whatever Government and was in my power, I was ready to do.

The articles which your Honour was pleased to forward to me in charge of the captain of the steamer, have been received agreeably to the list. Your Honour needed not undergo all this trouble, for I have always been under great obligations to Government from times bygone, and it is not in my power to make a return, except by my prayers to God on your behalf.

(signed)

W. R. Morris,
Secretary to Government.

(True copies.)

(signed)

L. R. Reid,
Chief Secretary.

EXTRACT POLITICAL LETTER from *Bombay*, dated 30 September 1838.

Para. 33. WE beg to bring to the notice of your Honourable Court, that, notwithstanding a proclamation was issued, and other active measures taken by his Highness the Rao in Cutch, to prohibit and prevent the traffic in slaves in his sea-ports, 26 slaves were recently imported into Mandavie.

Cutch Slave Tr

34. The resident in Cutch reported in his letter, dated the 26th July last, that these slaves were brought from Zanzibar and Mombassa, and landed clandestinely by the importers, who were more easily enabled to effect that object in consequence of the duty formerly levied on the importation of slaves, having been discontinued. The fact of those slaves having been landed at Mandavie was not discovered for many weeks after the arrival of the vessels in which they were imported.

Political Consti
tion, 19 Sept. 18
No. 4532 to 45

35. As soon as it became known, however, to the durbar officers on the spot, they immediately reported it to the Rao, and his Highness ordered the whole of the slaves, and the people who imported them, to be sent to Bhooj, when the owners urged in their defence that they thought that the prohibition only extended to slaves meant for sale; and, as they did not intend to part with those in their possession, they had landed them.

36. One of the merchants also declared that he had brought eight male and female slaves with him, during a temporary visit to Cutch, and informed the resident that he would have left them at Zanzibar until his return, could he have found any one there to take proper care of them. During his absence, one of the tindals asserted that he had purchased a boy for the purpose of adopting him; another lad had come as the carpenter of the vessel; a third was forwarded as an act of alleged charity, he being picked up destitute and unowned; and two girls were stated to have been sent expressly to be married to two slave boys belonging to the household of Tuckhur Mowjee Gopaul, of Mandavie, the agent of the Imaum of Muscat at that port, and his brothers, the farmers of the customs both at Mombassa and Zanzibar.

37. Colonel Pottinger, however, observed that full credit should not be given to all these explanations, although many (perhaps most) of them might be true, and that the intimate intercourse carried on between Zanzibar and Mombassa, where the slave trade is legal, and Mandavie, where it is prohibited, must render it almost impossible entirely to stop the transit of slaves from and to these ports.

38. As a precautionary measure against the sale of the slaves, his Highness the Rao took bonds from their owners to produce them when called on, and also to abide by any instructions which the Government might be pleased to issue. Colonel Pottinger further stated that his Highness was ready either to order the slaves to be set at liberty, or to cause the whole of them to be conveyed back to the ports from whence they were brought, but he (the Rao) doubted whether any of them would feel disposed to return, except in the company of their masters.

39. Colonel Pottinger availed himself of this opportunity to point out to his Highness the Rao, the necessity of repeating his proclamation; and, in order the more effectually to check this nefarious trade, to compel the owner of each boat that cleared out thereafter for the coast of Africa, to enter into a bond not to

0.7.
BAY.

bring back slaves on any pretence whatever. This recommendation has been entirely approved of by us.

40. With regard to the disposal of these slaves, we were of opinion that those who were *bond fide* the household servants of their masters, and had lived with them for some time past, should not be interfered with further than effectually to prevent their sale; and with respect to those who were recently purchased, we considered that their freedom should be offered to them, with liberty to proceed wherever they chose; but that in the event of their declining this offer, measures should be taken to prevent their sale. Instructions to the above effect have been issued to the resident in Cutch, and at the same time that officer was apprised that we saw no objection to the two girls above alluded to marrying the two slave boys in the service of Tuckkur Mowjee Ghopaul, provided that the marriage was contracted with their free consent, and with a clear understanding that they possessed their freedom.

41. It is a source of much satisfaction to us to observe the interest which his Highness the Rao of Cutch takes in suppressing the slave trade within his dominions.

EXTRACT POLITICAL DESPATCH to *Bombay*, dated 23 October (No. 11) 1839.

Para. 10. THE conduct of the Rao in the case of slave trade, reported in Lieutenant-colonel Pottinger's letter of 26th July 1838, seems to have been highly proper.

EXTRACT BOMBAY POLITICAL CONSULTATION, 19 September 1838.

From *Henry Pottinger*, Esq. Resident in *Cutch*, to *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, dated 26 July 1838.

Sir,

. 4532.

I REGRET to have to report, for the information of the Honourable the Governor in Council, that notwithstanding the proclamation issued, and other measures taken by his Highness the Rao of Cutch to prohibit and prevent anything of the kind, 26 slaves were brought this season by boats from Zanzibar and Mombassa to Mandavie.

2. The duty formerly levied on the importation of slaves having been formally cancelled, the persons to whom these belonged took advantage of that circumstance to land them clandestinely, and the fact of their being in Mandavie was not discovered for many weeks subsequent to the arrival of the vessels in which they came.

3. As soon as it became known to the durbar officers on the spot, it was reported to the Rao, and his Highness ordered the whole of the slaves, and the people who imported them, to be sent to Bhooj, where a statement was, at my request, taken from the latter, of which I have the honour to enclose the translated substance.

4. These individuals declare they thought that the prohibition only extended to slaves meant for sale; and it will be observed, from the explanations they have given, that none of them admit they had such an intention. One man has brought eight male and female slaves with him during a temporary visit to Cutch, and he told me himself he would have left them at Zanzibar until his return, could he have found any one to take proper care of them during his absence. One of the tindals asserts, that he bought a boy for the purpose of adopting him; another lad came as the carpenter of the vessel; a third was forwarded as an act of alleged charity, he being picked up destitute and unowned; and two girls are stated to have been sent expressly to be married to two slave boys belonging to the household of Tukur Mowjee Gopall, of Mandavie, who is the agent of the Imaum of Muscat at that port, and his brothers, the farmers of the customs both at Mombassa and Zanzibar.

5. Full credit should not perhaps be given to all the explanations, but many (perhaps most) of them may be true, and the intimate intercourse carried on between Zanzibar and Mombassa, where the slave trade is legal, and Mandavie, where

where it is prohibited, must render it almost impossible to entirely stop the transit of slaves back and forward.

6. The Rao has taken bond from the owners of the slaves to produce them when called on, and also to abide by any instructions which the Government may be pleased to issue; his Highness is ready either to order the slaves to be set at liberty, or to see the whole of them conveyed back to the ports from which they were brought, but he doubts whether any of them will be inclined to go, who do not accompany their masters.

7. Whatever may be the decision of the Honourable the Governor in Council in the present instance, I have pointed out to his Highness the Rao the necessity for repeating his proclamation, and making the owner of each boat that clears out hereafter for the coast of Africa, enter into a bond not to bring back slaves on any pretence.

I have, &c.

(signed) Henry Pottinger,

Resident in Cutch.

Bhooj Residency, 26 July 1838.

MEMORANDUM of 26 Slaves, brought to the Bunder of Mandavie from the Coast of Africa and Arabia.

No. 1.—In the boat Ram Pussa, tindal and owner, Nakwo Jaffer Budhalo:

1. Man named Nusseeba, about 40 years old, purchased for 20 dollars at Muscat by Beereeta Hussain, for the alleged purpose of being used in his boat and in his house.

No. 2.—In the Sujal Pussa, tindal, Malim Nurse; owner, Tukur Waljei Hunsavce:

1. Boy named Bhoorakoo, about 12 years old, purchased at Zanzibar, by Sekh Gool Mahomed, at the price of 20½ dollars, for his household service.

2. Boy named Kamees, about 12 years old, purchased at Zanzibar for 19 dollars, by Tukur Megjee Monauvee, to be employed in his garden.

3. Man named Moerjeh Mehjee, about 22 years old, bought at Zanzibar for 25 dollars, by Tukur Heeja Oomursee, to be employed on his land in the village of Bhamnajec.

No. 3.—In the Kadurceya, tindal and owner, Nakwo Dado; the boat is mortgaged to Sah Veekumsee Tejpal.

1. Boy, named Mohbho, about 11 years old, bought by the tindal at Mombasur, for 20 dollars, to be employed in the boat.

2. Boy, named Nusseeba, about 15 years old, bought for 20 dollars, and brought over by Abraham, in place of another slave whom he left to take care of his property at Mombasur.

3. Man, named Kamees, about 25 years of age. This slave is sent by Luckoo, of Mombasur, in charge of Tukur Kutoo Dhunjee, for delivery to Treeko at Mandavie, who has absconded some time ago.

No. 4.—In the Gunjoo Sularuntce, tindal, Nakwo Abdulla Syamee; owner, Tukur Peetha Mohunjee:

1. Boy, named Jummo, about 14 years old, bought at Zanzibar for 19 dollars, by the tindal, to be employed in the boat.

2. Boy, named Vileydhee, about 10 years old, commissioned by Tukur Pisso, and purchased at Zanzibar for 20 dollars, to be employed as a playfellow with the tukur's children.

No. 5.—In the Kotecah Vusseesul, tindal, Savee; owner, Gopall Juthanee.

1. Boy, named Singorah, about 10 years old, purchased at Zanzibar for 18 dollars, by the tindal, for the purpose of being adopted as his heir, he being himself childless.

HOMERAY.

No. 6.—In the Gunjah, tindal, Pabho Pudumsee Malim; owner, Premjei Jethanee.

1. Man, named Singorah, about 22 years old, exchanged by the tindal, at Zanzibar, for another slave who had been long in his hands.
2. Boy, named Nusseeba, about 10 years old, commissioned by Waeveet Bhayeco Salanee, for his own use, in the service of his boat and his family, and purchased at Zanzibar for 13 dollars.

No. 7.—In the Tutchkheir, tindal, Kheto Malim; owner, Tukur Morarjei Bhanjee, chartered by Tukur Gopall Mowjee.

1. Man, named Bhuracks, about 20 years old, bought for 20 dollars at Mombasur by the tindal, to be employed in his boat.

In the Runchor Pussa, tindal, Adhoo Malim; owner, Gopall Mowjee.

- | | | | | | | |
|----------|---|---|---------------|---|---|---------------------|
| 1. Man | - | - | named Bhuraks | - | - | about 25 years old. |
| 2. Woman | - | - | „ Tumasa | - | - | „ 13 — |
| 3. Man | - | - | „ Saleem | - | - | „ 18 — |
| 4. Woman | - | - | „ Byahtee | - | - | „ 15 — |
| 5. Man | - | - | „ Vilbhidhee | - | - | „ 18 — |
| 6. Woman | - | - | „ Kumcesah | - | - | „ 16 — |
| 7. Man | - | - | „ Hussein | - | - | „ 16 — |
| 8. Woman | - | - | „ Byahtee | - | - | „ 13 — |

The four women are married to the four men, and the whole batch belongs to Tukur Jetha Maljei, who has been for some time a resident at Zanzibar, and has made use of these slaves in carrying on his business there; the tukur has brought them with him to Mandavie, because there is no one at Zanzibar in whose charge he could leave them; he has shut up his shop there during his visit to Cutch, but intends to carry the slaves back with him, when he returns to resume his business next season.

9. Woman, named Meydorce, aged about 15.

10. Woman, named Mygiddo, aged about 12.

These two girls belong to the establishment of Tukur Gopall Mowjee, at Zanzibar, and are sent over to be married to two of the slaves in the tukur's house at Mandavie.

No. 8.—In the Buggalow Sullamutee, tindal, Nakwo Hussein; owner, Gopall Mowjee.

1. Man, named Mukhboo, about 20 years old, sent by Tukur Soorjei, of Mombasur, to Treeko Mohundavee, to be taken care of, the man having been picked up destitute and unowned.

No. 9.—In the Buttalah Luckonce Tussa, tindal, Ramjee; owner, Mahadeo Thofun.

1. Boy, named Asmanee, about 15 years old.
2. Girl, named Husseemah, about 12 years old.

These form part of the household of Jairam Seujee, at Zanzibar, and were sent by him, the boy as carpenter to the vessel, the girl for the service of his family, who reside at Moondra.

(A true translation.)

(signed)

P. M. Melvill,
First Assistant Resident.

(A true translation.)

(signed)

Henry Pottinger, Resident in Cutch.

MINUTE by the Honourable the Governor, concurred in by the Honourable Mr. Dunlop, dated 17 August 1838.

GOVERNMENT are much gratified to observe the interest which his Highness the Rao has shown in meeting the wishes of Government for the suppression of this abominable

abominable traffic; and the resident's recommendation in the last paragraph is entirely approved.

In regard to the disposal of the slaves, those of them who the resident has reason to think are *bona fide* the household servants of their masters, and have lived with them as stated for some time, should not be interfered with, further than effectually to prevent their sale; they should remain with their masters and depart with them; those recently purchased should have the option of taking their freedom, and if declined, effectual measures should be taken for preventing their sale. There can be no objection to the two girls' marriage as intended, provided it be entirely with their own free consent, and under a clear understanding that they have their freedom.

17 August 1838.

(signed) James Farish.

No. 7.
BOMBAY.

MINUTE by the Honourable Mr. Anderson, concurred in by the Honourable Mr. Dunlop. (Without date.)

No. 4334.

I THINK the owners should be made to understand that the slaves are free, and the slaves that they are no longer slaves, but may do and go where they please.

This being well understood would effectually check the importation of slaves for sale.

(signed) G. W. Anderson.

MINUTE by the Honourable the Governor, concurred in by the Honourable Mr. Anderson. (Without date.)

No. 4535.

I CONCUR in the above, so far as is not at variance with my Minute of 17th.

(signed) James Farish.

From J. P. Willoughby, Esq., Secy to Government, Bombay, to the Assistant in charge of the Residency, Cutch, dated 18 September 1838.

Sir,

I AM directed to acknowledge the receipt of Lieutenant-colonel Pottinger's letter, dated the 26th ult., with its enclosures, reporting that notwithstanding the active measures of his Highness the Rao of Cutch to suppress slavery throughout his dominions, 26 slaves have recently been taken to Mandavie, from Zanzibar and Mombassa.

No. 4536.

2. With regard to the disposal of these slaves, the Honourable the Governor in Council is of opinion, that those whom there is no reason to disbelieve are *bona fide* the household servants of their masters, and to have lived with them (as is alleged) for some time past, should not be interfered with, further than effectually to prevent their sale, but be suffered to remain with their masters, and to depart with them; those, however, recently purchased should have the option of taking their freedom, and proceeding wherever they may think proper; should this offer be declined by them, effectual measures should be taken to prevent their sale, and their masters distinctly informed that they possess no right of property over the slaves in question.

3. The Governor in Council sees no objection to the two girls alluded to in the fourth paragraph of Colonel Pottinger's report marrying under the circumstances therein stated, provided the same be entirely with their own consent, and under a clear understanding that they have their freedom.

4. I am further desired to inform you, that the Governor in Council is much gratified to observe the interest shown by his Highness the Rao for the suppression of slavery, and entirely approves of the recommendation made by Colonel Pottinger to the Rao to repeat the proclamation published by his Highness on the 6th February 1836, and to make the owner of each boat that hereafter clears out for the coast of Africa, enter into a bond not to bring back slaves on any pretence.

I have, &c.

Bombay Castle,
18 September 1838.

(signed)

J. P. Willoughby,
Secretary to Government.

(True extract.)

J. P. Willoughby,
Secretary to Government.

No. 7.
BOMBAY.

EXTRACT POLITICAL LETTER from *Bombay*, dated 12 May (No. 46) 1838.

Para. 10. IN the 10th paragraph of his report, Mr. Erskine, in alluding to the subject of slavery in Kattywar, observes, "The precautions taken by the British Government against the importation of foreign slaves at the different ports have been maintained, and in all probability have been completely successful as far as ports under our jurisdiction are concerned. A considerable importation takes place at Dieu, both directly from the Arabian shores, and from Goa and Demaun, from whence they are brought into the province. For this, I may confidently say, I see no remedy whatever, as it rests entirely with the British Government to say how far they consider it politic to interfere with their allies the Portuguese on this important question."

11. We are not aware that at present any further measures can be adopted for the extinction of slavery in Kattywar; but it appears to us highly desirable that the importation of slaves into the Portuguese ports of Goa, Demaun, and Dieu, should, if practicable, be prevented; and we have accordingly made a reference to the advocate-general to report how far existing treaties between England and Portugal would authorise our resorting to active measures to accomplish the object in view.

POLITICAL LETTER from *Bombay*, dated 14th July (No. 64) 1838.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, *London*.

Honourable Sirs,

IN the 10th and 11th paragraphs of our despatch, dated 12th May (No. 46) of 1838, we brought to your Honourable Court's notice the importation of slaves into the Portuguese ports of Goa, Demaun, and Dieu, which it was believed had been carried on to a considerable extent; and we further stated that we had caused a reference to be made to the advocate-general for the purpose of ascertaining how far existing treaties between England and Portugal would authorise our resorting to active measures to prevent this importation.

2. We have now the honour to transmit to your Honourable Court the accompanying copy of a communication from the advocate-general, containing his opinion on the question at issue.

We have, &c.

(signed) *J. Farish.*
G. W. Anderson.

Bombay Castle, 14 July 1838.

EXTRACT POLITICAL LETTER from *Bombay*, dated 20 May (No. 16) 1840.

Political Consultations, 21 Nov. 1838.
No. 5712 to 5715.
1839. January 23,
No. 397.

83. WITH reference to the 10th and 11th paragraphs of our despatch, dated the 12th May (No. 46), and to our despatch dated the 14th July (No. 64) of 1838, on the subject of certain circumstances which had been brought to the notice of this Government relative to an alleged traffic in slaves carried on at the Portuguese settlement of Dieu, we do ourselves the honour of submitting to your Honourable Court, copy of a letter from the political agent in Kattcewar, dated the 28th September last, in which that officer furnishes such information as he was able to gain on the subject during a recent visit he paid to that island.

84. In his report, the political agent states that he has learnt from private sources, that the trade in slaves has for the last few years been greatly discontinued, partly in consequence of strict injunctions for its suppression sent out by the Portuguese government in Europe, and partly from the exertions of the governor of that island, Don Francisco de Mello, and, that for the last three years, the few slaves that have been imported into the island, had been taken there in Arab and Mozambique vessels.

85. The political agent further states that, prior to his departure from Dieu, the governor sent him a polite letter, in which his Excellency stated that he entertained the same humane views as the British Government relative to the abolition of trade in slaves; and, at the same time, as an earnest of his intentions, made over to the charge of the political agent two African slave boys, who had been.

been brought up in his Excellency's house, with a request that they might be taken care of by the British Government, and qualified to earn their own livelihood.

No. 7.
BOMBAY.

86. We have, in return, informed the Governor of Diou that we have experienced the highest gratification at the praiseworthy conduct of his Excellency in connexion with this subject, and expressed a hope that his Excellency will continue to afford the British Government such co-operation as may be in his power in putting down this nefarious traffic; and have instructed the political agent to make over the two liberated slave boys above alluded to, to any persons of respectability who may feel desirous of entertaining them as servants on monthly wages, care being taken by the political agent to ensure their proper treatment.

EXTRACT POLITICAL DESPATCH to *Bombay*, dated 12 March (No. 5) 1840. *

Para. 89. WE have no doubt of your exerting yourselves to prevent the importation of slaves into the Portuguese ports of Goa, Demaun, and Diou, by all means consistent with existing treaties and enactments.

EXTRACT POLITICAL DESPATCH to *Bombay*, dated 23d December (No. 19) 1840.

Para. 26. WE learn with much satisfaction that, according to the information obtained by Mr. Erskine, on a visit to the island of Diou, the trade in slaves formerly carried on there, has, for the last few years, been almost entirely discontinued, in consequence of the orders of the Portuguese government in Europe, and the exertions of the present governor.

Letter from, dated 20 May (No. 16) 1840.
(83 to 86). Respecting the slave trade formerly carried on in the island Diou.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 9 May 1838.

EXTRACT POLITICAL LETTER from *James Erskine*, Esq. Political Agent in *Katteewar*, to *J. P. Willoughby*, Esq. Secretary to Government, dated December 1837.

Para. 10. I HAVE addressed Government so lately upon the subject of slavery, that I have little to remark here. The precautions taken by the British Government against the importation of foreign slaves at the different ports have been maintained, and in all probability have been completely successful as far as ports under our jurisdiction are concerned: a considerable importation takes place at Diou, both directly from the Arabian shores, and from Goa and Demaun, from whence they are brought into the province. For this I may confidently say I see no remedy whatever, as it rests entirely with the British Government to say how far they consider it politic to interfere with their allies the Portuguese on this important question. Domestic slavery exists under such a mitigated form in Katteewar, that, however incumbent it is on an enlightened and benevolent government to discourage the practice, so as eventually to lead to its extinction, there is less regret at its practice than were it carried on under circumstances of cruelty and inhumanity.

No. 1961.

EXTRACT MINUTE by the Right Honourable the Governor, subscribed to by the Board, dated 20 April 1838.

No. 1962.

Para. 6. I AM not aware that we can at present adopt any further measures for the extinction of slavery in Kattywar. It would be very desirable to prevent the importation of slaves into the Portuguese ports of Goa, Demaun, and Diou, but I do not recollect enough of the treaties between England and Portugal, to be able to say how far we are at liberty to resort to active measures for that purpose. The treaties I should, however, suppose are to be found at the library; and perhaps the shortest way would be to send the question at once to the advocate-general. I presume the Company's solicitor can supply him with the treaties.

No. 7
BOMBAY.

From the Advocate-general to the Secretary to Government.

Sir,

Political Department.

I HAVE the honour of acknowledging the receipt of your letter of the 3d ultimo, (No. 819), intimating that Government are desirous to prevent the importation of slaves into the Portuguese ports of Goa, Demaun, and Dieu, which, it is stated, is at present carried on to a considerable extent, and requesting me to report how far, by existing treaties between England and Portugal, the British Government would be justified in resorting to active measures for the furtherance of the above object.

In reply, I am not aware of any later treaties than those dated in 1815 and 1817, which are set out in the 5 Geo. 4, c. 113, the Act by which the traffic was made piracy by our own subjects. In 1826, with the Brazils, after its separation from Portugal, a convention was entered into with Great Britain, by which the Emperor of the Brazils agreed that the trade should cease entirely in 1830; but with Portugal, I believe, no later treaties have been made than those I have alluded to. By them Portugal agreed, in consideration of a very large sum of money that was paid to her by Great Britain, to give up the trade on the coast of Africa, north of the Equator, without interruption or interference, however, with its continuance south of it, and reserved to itself, at a future indefinite period, to fix the time when it would abolish altogether the traffic. Mixed commission courts were provided for the condemnation of vessels engaged in the trade, in contravention of the treaties, and captures were authorised by only certain vessels, specially instructed for the purpose. This being the case, Government would not, I think, be justified in resorting to any active measures for the above object. Horrible as the practice is, yet, with respect to the interference of Great Britain with the trade, as carried on by foreign powers, I would refer to the sentiments which lately have been expressed in Parliament on this subject, as I find them reported in the Times newspaper of the 30th January last. According to such report, in the House of Lords, on a petition being presented by Lord Brougham for the abolition of the apprenticeship system in the West Indies, the circumstance gave rise to a conversation relative to the slave trade, in which both Tory and Whig are stated to have concurred in affirming the appalling extent to which this horrid system was carried on. Lord Ashburton said, that the trade was carried on to as great an extent, and with tenfold more cruelty than ever; and he had no hesitation in saying, that if this country had left Spain and Portugal to carry about these poor creatures as they pleased, humanity would have been less outraged, and fewer atrocities committed. Lord Glenelg admitted that the frightful picture drawn by Lord Brougham was "unexaggerated," and that "the horrors of the trade would not have been aggravated to their present height if we had never meddled with it, as carried on by other nations." Lord Ellenborough expressed a similar conviction.

The Spanish slave trade was to have finally ceased, according to treaty, in 1820, since when its abolition has been repeatedly declared by that country; and by the treaty of 1835, in the first article, the slave trade is hereby again declared on the part of Spain to be henceforward totally and finally abolished in all parts of the world; but three years after, we see, in the opinion of the British House of Peers, how far treaties alone have been effectual in the abolition of the trade: making the trade piracy, has been thought to be the only mode likely to suppress it entirely.

I have, &c.

(signed)

A. C. Le Messurier,

Bombay, 8 June 1838.

Advocate-general.

(True copy.)

L. R. Reid, Acting Chief Secretary.

EXTRACT BOMBAY POLITICAL CONSULTATION, 21 November 1838

No. 71
BOMBAY.

From *J. Erskine*, Esq. Political Agent, to *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, dated 28 September 1838.

No. 5712.

Sir,

I HAVE the honour to acquaint you, for the information of the Honourable the Governor in Council, that before returning from Babriawar, I took the opportunity of being in that part of the country to visit the island of Dieu, chiefly with a view of gaining any information regarding the traffic in Abyssinian slaves said to be carried on to some extent at that place, which might prove acceptable to Government, and, at the same time, in such a manner as by no means to offend the Portuguese authorities,

2. I have also drawn up a short description of the island and its inhabitants, as well as other information which may be useful to Government, which shall be forwarded at an early opportunity.

3. From private sources of information, I learn that the trade has been greatly discontinued for these last few years, and chiefly since the appointment of the present governor, Don Francisco de Mello; and that, indeed, it was confined to Arab and Mozambique ships, who occasionally brought a few young boys and girls with them, there being no Portuguese slave-trading ship belonging now to the port of Dieu. I was also informed that this favourable change had been the result partly of strict injunctions from the Portuguese government in Europe, and partly owing to the good intentions and exertions of the present governor. Relying on the accuracy of my informant, I made inquiries myself from his Excellency, and he at once confirmed the truth of the above. He said no slaves had been imported for three years, save one or two every now and then in Mozambique ships; and that the captains of those vessels had been in the habit of making presents to the governors of one or two occasionally, and that the others generally went away as they came. Next morning, before my departure, his Excellency sent me to Gogla a very cordial and polite letter, saying he had the same humane views as the British Government, as to the abolition of the trade in slaves, and begged, in honour of my visit to him, to liberate two boys who had been brought up in his house, whom he requested I might take charge of, and have them educated in such way as I thought proper, towards qualifying them to earn their own livelihood. These boys are respectively 10 and 6 years of age, and I beg the favour of instructions regarding their disposal. They are intelligent and strong, and might with advantage be put to the school at Rajcote, or made over to some respectable person who would take care of them, and pay them small monthly wages as servants. They decidedly refuse to return to their native country with their own will.

4. His Excellency the Governor also did me the honour to request my acceptance of a horse in the name of his government, which I did not consider myself at liberty to refuse after the kind reception I had met; and his Excellency being the representative of a foreign power, I beg to be favoured by the Honourable Board with instructions regarding the disposal of the animal.

I have, &c.,

Katteewar Political Agent's Office,
Camp Verawul, 28 Sept. 1838.

(signed) *J. Erskine*,
Political Agent.

MINUTE by the Honourable the Governor, subscribed to by the Board, dated 29 October 1838.

No. 5713.

THE information contained in this letter is very satisfactory, and the political agent's proceedings may be approved. It should be brought to the notice of the Honourable Court with our former proceedings on this subject.

The two liberated slaves may be made over to any respectable persons who may desire to entertain them as servants on monthly wages; the political agent keeping a careful watch to insure that they are properly treated.

The terms of service should be entered in a written contract, under proper security.

No. 7.
BOMBAY.

The governor of Dieu's conduct seems entitled to great praise, and a letter should be written to him in my name, thanking him and expressing reliance that he will continue to co-operate with us in putting an end to the slave trade.

The horse should be sold on account of Government, or, if suitable, might be made over to the regiment of cavalry stationed in the province, and a present in return of equal value made to the governor.

(signed)

*J. Farish,
G. W. Anderson,
J. A. Dunlop.*

29 October 1838.

No. 5714.

From *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, to *J. Erskine*, Esq. Political Agent in *Katteewar, Rajcote*, dated 20 November 1838.

Sir,

1 AM directed to acknowledge the receipt of your letter, dated the 28th September last, reporting the result of your visit to the island of Dieu, and to apprise you that the information therein contained, relative to the traffic in slaves said to be carried on to some extent at that place, is deemed by Government very satisfactory.

2. The Honourable the Governor in Council is pleased to direct, that the two liberated slave boys, alluded to in the third paragraph of your letter, be made over to any respectable persons who may feel desirous of entertaining them as servants, on monthly wages, care being taken on your part to ensure their proper treatment; you are at the same time requested to have the terms of their servitude entered in a written contract under sufficient security.

3. The conduct of his Excellency the Governor of Dieu, as described by you, is considered by Government highly praiseworthy; and I am desired to inform you, that his Excellency has been requested to co-operate with the British Government as far as is in his power in effecting the abolition of the slave trade with the port of Dieu.

4. The Governor in Council is further pleased to authorise that the horse presented to you by the Governor of Dieu be either disposed of by public sale, or, if suitable, be made over to the cavalry regiment stationed in Katteewar, and that a present equal in value be returned to his Excellency, reporting the same for the information of Government.

5. In conclusion, I am instructed to acquaint you, that the whole of your proceedings, as reported in your present communication, have been approved by the Honourable the Governor in Council.

I have, &c.

(signed)

J. P. Willoughby,
Secretary to Government.

Bombay Castle, 20 November 1838.

No. 215.

From *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, to the Most Illustrious Senhor *Francisco De Mello De Eça*, Governor of the Province and Town of *Dieu*, dated 20 November 1838.

Most Excellent Sir,

IN a communication from Mr. Erskine, political agent in Katteewar, dated the 28th September last, that officer has brought to my notice the humane views your Excellency entertains, with respect to the abolition of the trade in slaves, and of your benevolent request to him to liberate two African slave boys, who had been brought up in your Excellency's house, which leads me to hope that your Excellency will continue to afford the British Government such co-operation as may be in your power, in putting down this nefarious trade.

2. I beg to assure your Excellency that the two boys, whom Mr. Erskine has taken under his charge, will be properly treated and suitably provided for in the family of some person of respectability.

3. In

3. In conclusion, I further beg to express to your Excellency the best thanks of my Government, for the friendly reception given, and ready information afforded, to Mr. Erskine, by your Excellency, on points connected with the slave traffic, as carried on with the port of Dieu.

No. 7.
BOMBAY.

I have, &c.

(signed)

J. P. Willoughby,

Secretary to Government.

Bombay Castle, 20 November 1838.

(True extract.)

(signed)

L. R. Reid, Chief Secretary.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 23 January 1839.

From His Excellency the Most Illustrious *Francis De Mello De Eça*, Governor of the Fort of *Dieu*, to His Excellency the Most Illustrious Governor-general of the Presidency of *Bombay*, dated 25 December 1838.

No. 397.

Most Illustrious and Excellent Sir,

I HAVE been favoured with your Excellency's letter (No. 2270) of the 20th November of the present year. I observe that the political agent of the Bombay Government in Katteewar has brought to your Excellency's notice my having emancipated two African slaves, brought up in my house. I assure your Excellency that I do not do in this government anything more than to obey the orders of Her Most Faithful Majesty.

As regards the hospitality shown by me to Mr. Erskine, I beg to say that it was not equal to my wishes, owing to the circumstance of this country; he deserves much more by his high qualifications, respectable character, and good manners.

I am here ready in everything to please your Excellency.

God preserve your Excellency's most illustrious and excellent person. I am, with the greatest honour and distinction,

Your Excellency's, &c.

(signed)

Francis De Mello De Eça.

Dieu Fort, 25 December 1838.

(True extract.)

(signed)

L. R. Reid, Chief Secretary.

— No. 8. —

PROCEEDINGS in the case of certain RUNAWAY SLAVES.—Liberation of two Slave Girls imported into Ahmednuggur; Defect in the existing Law for the Punishment of Parties charged with exporting Slaves and Free Persons, and selling them in a Foreign Territory.

No. 8.
BOMBAY.

EXTRACT JUDICIAL LETTER from *India*, dated 3 December (No. 15) 1838.

Regarding two slaves belonging to the Guicowar, who have taken refuge at Nassick.

Para. 24. IN accordance with a suggestion from the Political Department, and in consequence of a difference of opinion in the Council Board of the Bombay Government, as to the course proper to be taken with reference to an application preferred by his Highness the Guicowar for the surrender of two female slaves who had left the service of his daughter, and taken refuge at Nassick, on the plea of ill-treatment, we made a reference, through the Government of Bengal, to the Sudder Court at Calcutta, desiring to know the practice of the courts under its control, in regard to cases of a similar description.

EXTRACT LEGISLATIVE LETTER from *India*, dated 22 April (No. 11) 1839.

Para. 12. ON the subject of slavery, adverted to in paragraphs 7 and 8 of the report, we have addressed your Honourable Court in a separate despatch, under date the 11th February (No. 4) of 1839.

Regarding two slaves belonging to the Guicowar, who had taken refuge at Nassick.
eg. Cons. 24th Dec. 1838,
9 to 11.

154. Para. 24 of our Judicial Despatch (No. 15) 3d December of 1838, informed your Honourable Court that we had made a reference to the Sudder Court at Calcutta, requesting them to state the practice of the criminal courts under their control, in regard to cases of a similar nature to that in which his Highness the Guicowar had demanded, through the resident at Baroda, that the magistrate of Nassick should deliver up two female slaves belonging to his daughter, who had left her on her arrival at that place from Poonah.

155. The Court stated, in reply, that in ordinary cases the jurisdiction, in matters regarding the property in slaves, rests with the civil courts, and that a magistrate would not be justified in interfering to compel slaves to return to persons claiming them. In the case in question, the Court observed, that the magistrate of Nassick had acted very properly in refusing to deliver up the slaves, and in referring the subject for the decision of Government.

156. We forwarded these papers to the Law Commissioners, with reference to the general report upon slavery in India, in the preparation of which the Commissioners are at present employed.

EXTRACT LEGISLATIVE DESPATCH to *India*, dated 13 May (No. 6) 1840.

letter from, dated 22 April (No. 11) 1839 (154 to 156); and para. 24 of India Judicial Letter, dated 3d December (No. 15) 1838: reference to the Law Commissioners of certain proceedings of the magistrate of Nassick relative to slavery.

26. We shall also expect to be informed of the reply to this reference.

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Legislative Department, under date the 24th December 1838.

(No. 19).

EXTRACT from the PROCEEDINGS of the Honourable the President of the Council of India in Council, in the Judicial Department, under date the 24th December 1838.

No. 9.

READ Judicial Consultation of the Government of India, dated 24th Sept. 1838 (Nos. 10 and 11) containing an Extract Political Department, relative to two female slaves of the Guicowar Rajah, and a reference made to the Bengal Government for a report alluded to in the extract.

Read Judicial Consultation of this date, containing reply from the Government of Bengal.

Ordered, that the foregoing papers be transferred to the Legislative Department for the purpose of their being forwarded to the Law Commission, with reference to the General Report upon slavery in India which the Commissioners are now preparing.

(A true extract.)

(signed) J. P. Grant,
Officiating Secretary to the Government of India.

(No. 32.)

EXTRACT from the PROCEEDINGS of the Honourable the President in Council in the Political Department, under date the 12th September 1838.

No. 10.
Enclosure.

Duplicate (No. 1341 A.)

To the Secretary to the Right Honourable the Governor-General of India;
Camp.

Sir,

I AM directed by the Right honourable the Governor-general in Council to transmit to you, for the purpose of being submitted to the Right honourable the Governor-general of India, copies of the accompanying two communications from the joint magistrate of Nassick and the political commissioner for Guzerat, dated the 8th March and 2d May last, regarding an application preferred by his Highness the Guicowar for the surrender of two female slaves, who had left the service of his daughter, and taken refuge at Nassick, on the plea of ill-treatment.

2. To put the Right honourable the Governor-general in possession of the sentiments of the several members of this Government on the above subject, I am directed to transmit also copies of the minutes enumerated in the margin, from which his Lordship will perceive that the Right honourable the Governor and the Honourable Mr. Farish were of opinion that the slaves in question should be redeemed by the British Government, instead of their being surrendered to his Highness the Guicowar or his daughter; and that the Honourable Mr. Anderson much doubted the expediency of either course.

3. The Governor in Council is therefore desirous of being informed how such a case would dealt with by the magistrates under the Bengal Presidency on a similar demand by any foreign prince, with whom the British Government is in alliance, and to be favoured with the sentiments of the Right honourable the Governor-general of India as to the course which this government should follow in the present instance.

4. With reference to the case adverted to in Mr. Farish's Minute, No. 2 of the 10th April, and that alluded to in the 3d paragraph of Mr. Anderson's Minute,

No. 8.
BOMBAY.

Minute, No. 8 of the 3d May, I am further instructed to transmit, for the information of his Lordship, the enclosed extracts from the proceedings of this government, showing the grounds on which they acted in those two cases. The one relates to a slave who took refuge at Poona, and the other to a runaway slave in Kutteewar.

I have, &c.

(signed) *L. R. Reid,*
Acting Chief Secretary.

(No. 392 of 1838—Judicial Department.)

To *J. P. Willoughby*, Esq. Secretary to Government.

Sir,

I HAVE the honour to transmit copy of a letter from the joint magistrate of Nassick, dated the 2d instant, requesting the instructions of Government under section 5, Regulation XI. of 1827, respecting two female slaves, the delivery of whom has been demanded by his Highness the Guicowar, and request you will favour me with the instructions of Government for the guidance of the joint magistrate.

I have, &c.

(signed) *H. A. Harrison*, Magistrate.

Circuit Cutcherry, Nuggur District, Camp
at Doongurgaon, 8 March 1838.

(No. 70 of 1838—Judicial Department.)

To *H. A. Harrison*, Esq. Magistrate of Ahmednuggur.

Sir,

THE resident of Baroda having transmitted a yad from his Highness the Guicowar, requesting that two female slaves who had accompanied his daughter Eshadar Bae Ghorepooree from Poona to Nassick, and had there left her, may be made over to a person sent by him to receive them, I beg you will do me the favour to represent to the Right honourable the Governor in Council that both women object to proceed to Baroda along with the person sent for them, and that I have to request his instructions regarding the disposal of them under section 5, Regulation XII. of 1827.

2. One of the women, by name Dhondee, states she accompanied Eshodabae from Baroda on her journey to Poona, about a year ago, and remained with her there, but subsequently left her at Nassick, on her return to Guzerat, in consequence of ill-treatment.

3. The other, by name Pusavattec, declares she is an inhabitant of Poona, and has never been in Guzerat. She took service with Eshodabae at Poona, and left her at Nassick for the same reason.

I have, &c.

(signed) *R. K. Arbuthnot,*
Joint Magistrate.

Circuit Cutcherry, Panfiree,
2 March 1838.

(No. 344 of 1838—Political Department.)

To *J. P. Willoughby*, Esq. Secretary to Government.

Sir,

I REQUEST you will do me the favour to represent to the Right honourable the Governor in Council that his Highness the Guicowar is much dissatisfied at two female slaves of his daughter's having run away from her service, and that although placed under the surveillance of the joint magistrate of Nassick, is unable to recover them.

2. I received

No. 8.
BOMBAY.

2. I received a communication from his Highness on the 2d February last, and sent a copy of it to the joint magistrate of Nassick, on the 6th, through his Highness's people.

3. On the 14th of March a second note was received, stating that the authority at Nassick allowed objections to be raised of the slaves being unwilling to return, and had not surrendered them, and again desired my interference; consequently on the 19th of that month I forwarded a copy of the note to the joint magistrate; but to neither of these representations have I been favoured with any reply; I have been unable, therefore, to give any satisfactory explanations to his Highness of the reasons that have prevented ready compliance with his wishes.

4. As his Highness now complains of the detention of his people at Nassick, I have no resource left than to address the Right honourable the Governor in Council, requesting that speedy measures be taken to remove the molestation, and the slave girls be given up.

5. Natives of this country are tenacious of all matters connected with domestic arrangement, and as the high personage in question is dissatisfied, I am led to hope that a satisfactory disposal of the subject may soon take place.

6. I myself can offer no opinion on the reasons for delay, not having been informed of any legal impediment to the delivery of the females; but adopting the facts as stated in his Highness's notes to me, I should think, that as domestic slavery is permitted by universal custom among natives of India, and the laws of the Hindoos, which have never been abrogated by any legislative enactments in England or India, there can be no valid objections to mete out justice to his Highness on this occasion, for I cannot persuade myself the Right honourable the Governor in Council would countenance the operation of private notions of right and wrong in supercession of written law, by which alone a magistrate should be guided in the discharge of his official duties.

I have, &c.

(signed) J. Sutherland,
Political Commissioner and Resident.

Baroda Residency, 2 May 1838.

TRANSLATION of a Yad from his Highness the Guicowar to the Political Commissioner, dated 6th Zillkad 1238, A. D. 2d February 1838.

My daughter Eshadabae Ghorpooree, on her return from Poona to Baroda, remained for a short time at Nassick; there two female slaves of hers named Dhondee and Feernettee, ran away from her service; these two were in the presence of Mahadur Rao Sheralevode given over to the Company's officer at Nassick. This sirkar is about to send Gubbajee, sepoy, to Nassick to bring them back; let a letter, ordering them to be given to Gubbajee, be immediately written to the gentleman at Nassick, and sent to me for transmission.

TRANSLATION of a Yad from his Highness, dated 17 Zchelly, A. D. 14th March 1838.

AFTER recapitulating the former yad—The letter sent by you was forwarded by the hand of Gubbajee, sepoy, to the gentleman at Nassick; but he raising objections about their consent or non-consent, has not up to this time given up the slave girls to Gubbajee; the slaves of this sirkar have run away, and notwithstanding that they are actually in the possession of the gentleman at Nassick, he raises objections to giving them back. Let another letter therefore be written to that gentleman, directing him to give them up immediately without any further objections to Gubbajee, sepoy.

TRANSLATION of a Yad from his Highness, dated 4th Suffery, A. D. 29th April 1838

AFTER recapitulating the foregoing—Notwithstanding my application for another letter to Nassick, the slave girls have not been as yet given up; let another letter

17th Zhiley.
14th March 1838.

No. 8.
BOMBAY.

letter, therefore, be given to me on that gentleman, according to the yad of the for this sirkar's people have been detained three months at Nassick; let a letter be written, directing that immediately on its receipt the slave-girls be given up.

(True translation.)

(signed) *W. Courtney,*
2d Assistant Por. Commissioner.

(True copies.)

(signed) *L. R. Reid,*
Acting Chief Secretary to Government.

(No. 1.)

MINUTE by the Right honourable the Governor, dated 8 April 1838.

THERE is a good deal of difficulty in dealing with cases like this on principle.

No. 1.

Slavery, however, is not unlawful here, nor do I find that the regulations forbid the export of slaves for the purpose of sale or prostitution. Therefore I am not aware that the Guicowar calls on us to do anything illegal, or to anything so palpably *contra bonos mores* as to be for that reason out of the question.

The slaves, however, plead ill-treatment as the cause of their having deserted their mistress. In an ordinary case, I think, this would impose on us the duty, and confer on us the right, of inquiry into the truth of such plea, and to resist the demand if the plea were established. But the high rank of the mistress seems to me to preclude our taking that course, and under all the circumstances I am inclined to say that we should redeem these slaves.

If these views are concurred in, we must call on the collector to state as well as he can the price of each. Possibly the sum given by the Guicowar lady for the Poona girl may be ascertained, and it is even possible that the slave may have relations willing to redeem her. This should be inquired into, and to save time the collector might be authorized to communicate directly with the Poona authorities.

The collector should transmit to us such information as he can get, and also a translation of the Guicowar's yad, 8th April.

(signed) *R. Grant.*

(No. 2.)

MINUTE by the Honourable Mr. *Farish*, dated 10 April 1838.

No. 2.

IN a recent case in Katteewar, the redemption of a runaway slave, on the ground of ill-treatment, was sanctioned, and there are perhaps stronger grounds in the present case for the same course. To avoid the embarrassment of not surrendering them, it seems the best course, and I concur in this as a special case.

(signed) *J. Farish.*

10 April.

MINUTE by the Honourable Mr. *Anderson*, dated 11 April.

No. 3.

I THINK there are great objections to either course.

(signed) *G. W. Anderson.*

MINUTE by the Right honourable the Governor, subscribed by the Honourable Mr. Farish, dated 16 April 1838.

No. 8.
BOMBAY.

I HAVE nothing better to propose than the course stated in my Minute of the 8th instant.

No. 4.

(signed) R. Grant.

MINUTE by the Honourable Mr. Anderson, dated 17 April.

Is there an obligation to give up the slaves? if such obligation exist, it must be complied with. I do not see how it is met or got over by redeeming the slaves.

No. 5.

If there is not the obligation, then I conceive we must leave them alone to do as they please.

(signed) G. W. Anderson.

MINUTE by the Right honourable the Governor, dated 1 May 1838.

I TRUST I shall not be thought to act disrespectfully towards the Board if I do not prolong discussion in cases when the measures I take the liberty of proposing are objected to; but without any one specific proposition being made in the other side, I am aware that the case is a difficult one, and think it probable that a better adviser might devise some better mode of dealing with it than I have done, but none such has occurred to me.

1 May 1838.

(signed) R. Grant.

MINUTE by the Honourable Mr. Farish, dated 2 May.

No. 7.

I REFER to my first Minute of the 10th April.

(signed) J. Farish.

MINUTE by the Honourable Mr. Anderson, dated 3 May 1838.

Para. 1. I QUITE regret to have given so much trouble to the Right honourable the Governor; my object was, not to prolong discussion, but that the determination the Board might come to should be correct. The proposed courses appearing to me doubtful, I so stated it, with an impression in my own mind at the same time that the subject would then form a matter to be brought up at the Council Board, when, after being considered, it could be disposed of.

No. 8.

2. I may be wrong in imagining this the usual mode in which the Board would act in such a case, but I claim some indulgence in not yet being quite aware of the usual mode in which business is transacted.

3. Upon the question itself, I would beg to refer to a Minute I wrote a few days ago on a case of slaves being claimed. The present case differs in the demand being made by his Highness the Guicowar; but in other respects, as far as relates to the practice of our magistrates on claims for delivering up slaves, it is the same.

The question I put in my last Minute on the present reference is this, What is the obligation we are under to give up the slaves? if it is by any article of the treaty, let it be shown, and then, if the treaty imposes the obligation, it must be complied with.

In regard to the course of redeeming the slaves, I do not think it an expedient course; it is not one that would be liked or be assented to by his Highness, I should imagine; and if the treaty does not oblige us to cause the return of the slaves, it is not necessary.

No. 8:
BOMBAY.

Before, too, it could be done, I imagine the expenditure must be confirmed by the Government of India.

As it is a political question, and one of some general importance, it might possibly be wise to refer it to the Government of India, to know how such a case would be dealt with by the magistrates there, on a similar demand by any foreign prince with whom we are in alliance. I hope I shall not be here thought as desiring to prolong discussion, but simply to do what is right, that the best conclusion may be come to.

3 May 1838.

(signed) G. W. Anderson.

(True copies.)

(signed) L. R. Reid,

Acting Chief Secretary to Government.

(No. 3.)

EXTRACT BOMBAY POLITICAL CONSULTATION, May 1838.

From the Honourable *James Sutherland*, Political Commissioner and Resident, *Baroda*, to *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, dated 2 April 1838.

Sir,

Para. 1. I HAVE the honour to request you will submit the subject of this address for the consideration of the Right honourable the Governor in Council, that instruction may be issued placing the matter to which it relates on a proper footing.

2. A person at Baroda went to Poonah, accompanied by a male slave belonging to his father; this slave left him without permission, and would not return after every proper endeavour had been used on the spot. The father applied to me to afford him assistance; in consequence, I addressed a letter to the superintendent of bazaars at Poona, requesting his aid to obtain restoration, but without any proper effect, as will be seen from his reply, which I submit with this letter. In his reply he asserts that no power is vested in him by which he can in any way interfere or enforce his return.

3. By this denial of justice the master of the slave is injured in his property, and I should think the superintendent is not justified in acting as he has done, for he possesses the same powers within military limits that a zillah magistrate does within his jurisdiction, under general regulations.

4. On the introduction of our rule, we found slavery to exist, sanctioned by the laws of the country; and in India there has been no legislative enactment doing away with slavery or making any distinction in the relative positions in which master and slave stand to each other; in fact, the property of the owner in a slave is as much respected by the constitution at this present time as it ever was.

5. The only enactment touching slavery is entirely distinct from this case, and pertains to the purchase and sale of slaves.

6. Magistrates restore runaway slaves; indeed, they are bound to yield their aid in so doing, in the same way as in cases of master and servant, or in matters connected with the forcible detention of property; while there is no law, rule, or recognised custom to the contrary that I am aware of.

7. Mr. Salmon is not singular in the opinion he has given, for many have erroneously acted on the same principle, emanating, I believe, from emancipation of slavery elsewhere by the British Parliament, but which does not extend to domestic slavery in India; and as judicial and magisterial officers are bound to administer the laws, they should regard those only that are prescribed for their guidance.

I have, &c.

(signed) J. Sutherland,

Political Commissioner and Resident.

Political Commissioner's Office, Baroda,
2 April 1838.

From *W. B. Salmon*, Esq. Lieutenant, Acting Superintendent of Bazars and Police, *Poonah*, to the Honourable *James Sutherland*, Esq. Political Commissioner and Resident, *Baroda*, dated 21 March 1838.

Sir,

Para 1. In answer to your communication, No. 101, dated 14th February 1838, received through Shaik Ahmeeroodeen, I beg to inform you that the slave alluded to is not detained here by me, but is at present residing in the Sudur Bazar, and objects to return to his master.

2. I beg further to state, for your information, that there is no power vested in the superintendent of police by which he can in any way interfere or enforce his return.

(signed) *W. B. Salmon*, Lieutenant,
Acting Superintendent of Bazra and Police, Poona.

Cantonment Adawlut, Camp near Poona,
21 March 1838.

(True copy.)

(signed) *W. Courtney*,
Second Assistant Political Commissioner.

MINUTE by the Right honourable the Governor, dated 21 April 1838.

Para. 1. THERE seem to me to be considerable difficulties in this case, though I quite agree with Mr. Sutherland that we are not to apply to it European standards of law or feeling. The state of domestic slavery is in this country a legitimate one, and while it subsists there are obligations arising out of it which none can be justified in violating, and which the magistrate is on no occasion bound to enforce.

2. In the present instance a foreigner travelled into the Bombay territories accompanied by a slave, who refused to attend him back on his departure. On that refusal taking place, the master might undoubtedly have applied to the magistrate, who would, I presume, have summoned the slave, and called on the master to prove his title. I see nothing in the regulations as to the nature of the proof required, and know not the practice; but I do suppose that the alleged slave would have been allowed a sufficient *locus standi* in the magistrate's court to dispute the claimant's title, either on the ground that he was not his slave, or that, having been such, the relation had by subsequent consent or some other course been dissolved, or at all events that the master had by cruel treatment forfeited his right to enforce it.

3. All this would have been matter of regular inquiry and adjudication, the parties being confronted, and the witnesses being examined on oath in open court; and the decision would, I presume, have been examinable by a higher judicature.

4. It seems to me a very different case when a person residing at Baroda claims to be the master of a person residing in the heart of the Bombay territories, and through the British Resident calls on the local Bombay magistrate to seize the person so claimed, and to deliver him up to the foreign master. The title here is made out, if made out at all, before an officer who has, properly speaking, no judicial powers, and by an *ex parte* proceeding, in the absence of the party who is to be so deeply affected by it; and it is to be enforced, if at all, by the local magistrate, on a mere intimation of it by letter, without going through any part of that judicial process which is necessary in all other cases of property claimed by a suit at law, and to which the master must have submitted had he preferred his claim personally, and without affording to the alleged slave any opportunity of appealing against the decision, if unjust.

5. There can be no doubt that a foreigner may sue in our courts of civil justice for the restitution of property unjustly withheld from him; but there he must, I apprehend, proceed in one of two ways. He must appear before the court either personally, or by an attorney lawfully constituted, and in either

No. 8.
BOMBAY.

case he must establish his claim by sworn proofs, subjected to strict examination in the presence and on the part of the resisting party, and involving the penalties of perjury if found to be false.

6. I see not why the same principle does not hold in such an instance as the present. It would undoubtedly hold, I presume, if the property claimed were of any other kind. Let us suppose this Baroda inhabitant to inform the British Resident that there was a horse or a bale of goods in the possession of a person at Poona, which such person refused to give up, and then let us suppose the Resident to write to the magistrate of Poona, assuring him that he (the Resident) had satisfied himself of the justice of the claim, and therefore requested the magistrate to seize such horse or bale of goods, and forthwith to send it by a careful person to Baroda; would any magistrate listen to such an application, or could he be censured for not listening to it yet it; cannot be conceived that less care or ceremony is necessary when the property claimed is the person of a human being.

7. There is another class of cases which may be referred to on the present occasion. A foreign subject, accused of crimes or suspected of machinations against the state to which he belongs, flies into our territory, and being reclaimed through the British Resident at that state, is given up by order of this Government. This, however, is confined to the cases of persons suspected of being criminals or traitors, and even in such cases a compliance with the demand is by no means a matter of course. It must be an act of the Government, done either on solemn consideration of the particular circumstances, or in fulfilment of some stipulation in a treaty, which presupposes such consideration to have been given to the subject generally. No magistrate would give effect to such demand, except under orders, general or particular, from his government, nor would any government exercise on light grounds a power which implies, I would not say vigour beyond the law, but certainly a supercession of the ordinary forms of judicial procedure.

8. How far the case of fugitive slaves would fall within the class just described, I will not attempt to determine. It certainly would fall within that class, if the fugitive were suspected of having robbed his master, or of some other crime; and possibly the very fact of his flight might be thought to afford *prima facie* ground for such suspicion. But to apply the rule where no crime is alleged, or pretended to have been committed, would, as it appears to me, be a very hard proceeding. I know that in our slave colonies the simple refusal of a slave to follow his master would have subjected him to be handled very roughly; and this is, I conceive, still the case in several of the United States of America; but I am not prepared to act on those transatlantic precedents in this country.

9. The Board will judge whether or not the above remarks sustain the position with which I set out, namely, that the question before us is one of difficulty. I am, however, in the present instance, peculiarly averse to proceed in a summary way, because the master, or at least the person whom the proper master allowed and directed the slave to attend as such, had the full opportunity of preferring his claim in the regular manner before the magistrate of Poona, or before the superintendent of bazars, and, as far as appears, voluntarily pretermitted such opportunity. He was at Poona when the slave refused to follow him; why did he not at once summon him before the magistrate or the superintendent of bazars? For anything that appears, he felt that he could not prove, or could not press his title. Perhaps he had discharged the slave; perhaps he had treated him cruelly, and all this would have appeared had he gone before the magistrate. He therefore abstains from so inconvenient a course, assured that, on his return to Baroda, a short application to the Resident will set all to rights, and restore him the slave in spite of all resistance.

10. On a recent occasion, when the daughter of the Guicowar preferred a claim nearly similar to the present, I was willing to evade the difficulty by redeeming the two slaves demanded. Her rank seemed to me to render that course convenient, as it was both advisable and practicable. But it is plainly a course to be followed only under special circumstances; in this instance we must face the difficulty; and, as at present advised, I should be apt to say that the claimant, if desirous of recovering his slave, must proceed either as an inhabitant of Poona would have to proceed in a like case, or, if he chooses to remain at Baroda, as any other person residing out of the British jurisdiction must proceed for the recovery of any other property. How far it is open to him to appear before the magistrate by attorney, or what are the precise steps he should take,

take, I am quite unable to say, but I do not think that, in the form in which the demand comes to us, it can be complied with. I quite agree with Mr. Sutherland that justice should be done; but what is asked could not, I think, be granted without injustice to another party.

11. After all, however, I mean here to state doubts rather than opinions, and I beg the advice of my colleagues. Mr. Anderson's knowledge and experience peculiarly qualify him to speak on the subject, and I shall feel greatly obliged by his giving it attention. I am told that several instances have occurred of a compliance with requisitions like the present, but I should not be apt to follow such examples unless they can be supported by better reasons than I have been able to imagine. Precedent cannot sanctify injustice, and without making any parade of anti-servile principles or wishing to apply them to cases to which they do not belong, I certainly think that we ought to be cautious of acting on light grounds or loose authority, in any matter affecting the personal liberty of mankind.

21 April 1838.

(signed) *Robert Grant.*

MINUTE by the Honourable Mr. *Farish*, dated 21 April 1838.

THE course pointed out by the Right hon. the Governor appears to me that which would be proper; Mr. Anderson's experience will, however, be more valuable than my opinion.

21 April 1838.

(signed) *James Farish.*

MINUTE by the Honourable Mr. *Anderson*, dated 23 April 1838.

HOWEVER right Mr. Sutherland's opinion may be upon the general question of slavery in this country, he was clearly wrong in conceiving that he had authority, as Resident at Baroda, to require a magistrate at Poona to apprehend or give up a slave claimed by an individual at Baroda. His experience will, I think, have furnished him with no precedent for this.

But the question is even more doubtful than this; it is doubtful if the magistrate, on the application of the owner himself, could compel the slave to return.

I say it is doubtful, because upon no question have the authorities in India given more opposite opinions than on this, the duties required of magistrates in respect to slaves. I state this from the documents I saw when in the Law Commission.

The subject was amply discussed, and we had before us the written opinions of every authority in India, except, by the way, the Sudder Adawlut of Bombay. The note of the Law Commission, in the chapter of exceptions, page 22, fully shows the result.

If the Right hon. the Governor and Mr. Farish will for a moment turn to that note, they will at once see in how great a state of uncertainty the law at present stands throughout India. That is, what the power of master over his slave—what the authority and practice of the magistrates in cases respecting slaves coming before them.

In respect to the immediate question before the Government, I beg to point out that the Bombay code, in its criminal branch, nowhere excepts the slave from protection. It nowhere says, that if the slave be assaulted, that the person assaulting, be he his master or any other, shall be exempt from punishment; it nowhere says, that if the slave is restrained, that he shall not be released; it nowhere says, that if the slave refuses to return to the master, that the magistrate shall cause him to return.

The law our authorities administer thus leaves the subject undefined, untouched; hence the magistrates act upon their discretion, hence the diversity of opinion that is found to prevail.

There is no difficulty in showing Mr. Sutherland the great uncertainty of the law; there is no difficulty in showing him that he had not the power to require the magistrate to apprehend the slave; but there is difficulty in telling the master, that if he wishes the magistrate to interfere, that he must proceed to

No. 8. Poona, and yet that it is uncertain if the magistrate will interfere when he gets there; it may be difficult, but I declare that I know no other course.

BOMBAY.

28 April 1838.

(signed) G. W. Anderson.

Minute by the Right honourable the Governor, subscribed to by the Board.

I AM glad to find that Mr. Anderson, in his minute of the 23d instant, confirms me as to the only course of proceeding open to the claimant, and differs from me only in thinking it very doubtful whether even that course will succeed. I subscribe to his observations on that point, and indeed on all others. Mr. Sutherland should be informed of our views, and should be left to communicate so much of them as he may think proper to the party concerned, informing him, at the same time, that he has no method of recovering his alleged slave but by regularly proving his claim before the local magistrate.

30 April 1838.

(signed) R. Grant.

From J. P. Willoughby, Esq. Secretary to Government, Bombay, to the Political Commissioner for Goozerat, dated 18 May 1838.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 2d ultimo, No. 245, representing the non-compliance with your requisition by the superintendent of bazars at Poonah, to deliver up a slave (the property of a Guicowar subject), who had taken refuge at that place, and, in reply, to communicate to you the following observations and instructions.

2. It appears to the Right hon. the Governor in Council that there are considerable difficulties in this case, but Government quite concur in your opinion that we are not to apply to it European standards of law or feeling. The *status* of domestic slavery is, in this country, a legitimate one, and while it subsists there are obligations arising out of it which none can be justified in violating, and which the magistrate is on no occasion bound to enforce.

3. In the present instance a foreigner travelled into the Bombay territories, accompanied by a slave, who refused to attend him back on his departure. On that refusal taking place the master might undoubtedly have applied to the magistrate, who would, it is presumed, have summoned the slave and called on the master to prove his title. The regulations are silent as to the nature of the proof required, but it is to be inferred that the alleged slave would have been allowed a sufficient *locus standi* in the magistrate's court to dispute the claimant's title, either on the ground that he was not his slave, or that, having been such, the relation had by subsequent consent or some other course been dissolved, or at all events that the master had by cruel treatment forfeited his right to enforce it.

4. All these would have been matters of regular inquiry and adjudication, the parties being confronted, and the witnesses being examined on oath in open court, the decision being examinable by a higher judicature.

5. It appears to the Governor in Council a very different case when a person residing at Baroda claims to be the master of a person residing in the heart of the Bombay territories, and through the British Resident calls on the Bombay local magistrate to seize the person so claimed, and to deliver him up to the foreign master. The title here is made out, if made out at all, before an officer who has, properly speaking, no judicial powers, and by an *ex parte* proceeding in the absence of the party who is to be so deeply affected by it; and it is to be enforced, if at all, by the local magistrate, on a mere intimation of it by letter, without going through any part of that judicial process which is necessary in all other cases of property claimed by a suit at law, and to which the master must have submitted had he preferred his claim personally, and without affording to the alleged slave any opportunity of appealing against the decision, if unjust.

6. There can be no doubt that a foreigner may sue in our courts of civil justice for the restitution of property unjustly withheld from him, but then he must

must proceed in one of two ways. He must appear before the court either personally, or by an attorney lawfully constituted, and in either case he must establish his claim by sworn proofs, subjected to strict examination in the presence and on the part of the resisting party, and involving the penalties of perjury if found to be false.

7. Government do not see why the same principle does not hold in such an instance as the present; it would undoubtedly hold, if the property claimed were of any other kind. For the sake of example, let it be supposed this Baroda inhabitant informing the British Resident that there was a horse, or any article of merchandize, in the possession of a person at Poona, which such person refused to give up, and then let it be supposed the Resident writing to the magistrate of Poona, assuring him that he (the Resident) has satisfied himself of the justice of the claim, and therefore requesting the magistrate to seize such horse or merchandize, and forthwith to send it by a careful person to Baroda; it is clear that no magistrate could comply with such an application, yet it cannot be conceived that less care or ceremony is necessary when the property claimed is the person of a human being.

8. There is another class of cases which may be instanced as applicable to the present subject. A foreign subject accused of crimes, or suspected of machinations against the state to which he belongs, flies into our territory, and being reclaimed through the British Resident at that state, is given up by order of this Government; this, however, is confined to the cases of persons suspected of being criminals or traitors; and even in such cases a compliance with the demand is by no means a matter of course. It must be an act of the Government, done either on solemn consideration of the particular circumstances, or in fulfilment of some stipulation in a treaty which presupposes such consideration to have been given to the subject generally. No magistrate would give effect to such a demand except under orders, general or particular, from his government; nor would any government exercise on light grounds a power which implies a supersession of the ordinary forms of judicial procedure.

9. How far the case of a fugitive slave would fall within the class just described it is difficult to determine; it certainly would fall within that class if the fugitive were suspected of having robbed his master, or of some other crime, and possibly the very fact of the flight might be thought to afford *prima facie* ground for such suspicion: but to apply the rule wherein crime is alleged or pretended to have been committed, would be a very harsh proceeding.

10. Under the above exposition, I am desired to remark, that however right your opinion on this subject may be upon the general question of slavery in this country, you labour under an error in conceiving that you possessed authority, as Resident at Baroda, to require a magistrate at Poona to apprehend or give up a slave claimed by an individual at Baroda.

11. But the question appears to Government even more doubtful than this; it is doubtful if the magistrate, on the application of the owner himself, could have compelled the slave to return to his master.

12. It is here worthy of remark, that the Bombay Code, in its criminal branch, nowhere excepts a slave from protection; it nowhere says that, if the slave be assaulted, the individual assaulting, be he his master or any other person, shall be exempt from punishment; it nowhere says that, if the slave is restrained, he shall not be released; nor is it anywhere laid down that, if the same refuse to return to his master, the magistrate shall cause him to return.

13. Upon no point is the law more undefined, and consequently more uncertain, than on the subject of slavery in India; and upon no question have the law authorities in India given more diversified opinions than of the duties required of magistrates in respect of slaves.

14. In consequence of the peculiar difficulties attending this question, Government feel averse to proceed in a summary way. It appears that the master, or at least the person whom the proper master allowed and directed the slave to attend as such, had the full opportunity of preferring his claim in the regular manner before the magistrate of Poona, or before the superintendent of bazaars, and, as far as appears, voluntarily pretermitted such opportunity. He was at Poona when the slave refused to follow him; and it cannot but be regarded as singular that he did not at once summon him before the magistrate or the superintendent of bazaars: it is, therefore, inferible that he felt that he could not prove, or could not press, his title. Perhaps he had discharged the slave; per-

No. 8.
BOMBAY.

haps he had treated him cruelly; and all this would have appeared had he gone before the magistrate: he, therefore, abstained from so inconvenient a course, assured in his own mind that on his return to Baroda a short application to the British authority there would set all to rights, and restore him the slave in spite of all resistance.

15. In conclusion, I am directed to inform you that Government leave it to your discretion to communicate so much of the views of Government on the subject to the party concerned as you may deem expedient, intimating to him at the same time that he possesses no method of recovering his alleged slave but by regularly proving his claim before the local magistrate.

I have, &c.

Bombay Castle,
18 May 1838.

(signed) *J. P. Willoughby,*
Secretary to Government.

(True extract.)

(signed) *L. R. Reid,* Secretary to Government.

(No. 4.)

EXTRACT from the PROCEEDINGS of Government in the Political Department.

From *James Erskine*, Esq. Political Agent in *Katteewar*, to *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*.

Sir,

1. I HAVE the honour to solicit the instructions of the Right honourable the Governor in Council in the case of an African slave who escaped from his master, a Scindian of Wagur, and has sought my protection, but is now claimed by his owner.

2. Annexed is the deposition of the poor unfortunate, as also an account of the condition in which he presented himself at Rajcote when he first came in. His owner demands his restoration, or, if that is not permitted, the price which he paid for him. Considering that the lad was not imported by him, but purchased from another Scindian, who was not the importer also, I believe Government will decide on obtaining his freedom by the payment of the purchase-money. For this reason I have retained the slave under my protection, and informed his owner that the orders of Government have been applied for in the matter.

I have, &c.

Katteewar, Political Agent's Office,
Rajcote, 31 Dec. 1837.

(signed) *J. Erskine,*
Political Agent.

(No. 1.)

Rajcote, 15 September 1837.

DEPOSITION of *Seedee Mooharik* (does not know his father's name), of the Mukwana caste, originally inhabitant of Africa, lately that of a ness of Scindians, about four miles from Shekarpoor, in the Kutch jurisdiction, aged about 17 years, taken before *James Erskine*, esq. political agent in *Katteewar*.

"I was first brought from my country to Muskat; I can't recollect when, but remained there for many years. After this I was brought to Mandavie from Arabia, by an Arab named Daibman, about five years ago, who sold me to a Scindian named Maunnace (I do not know for how much), who kept me for about three days, and then sold me to another Scindian named Kessar, of the ness above mentioned; I have no knowledge for how much."

Cross-questioned.—"I was brought to Mandavie with nine other African slaves, six males and three females. My comrades were sold to different people in Mandavie. I served my late master with fidelity, but was ill-treated, starved, and severely beaten, and therefore being unable to suffer such bad treatment, I effected my escape, and came to Rajcote. I am quite comfortable where I am, and would not like to go anywhere until I am turned off."

(No. 2.)

AN African lad, of about 16 or 17 years of age, was brought to me about three or four days before I started to Bullachree; he was in rags, and bruised all over his body, as he had been severely beaten by his owner, a Scindian of Kukarpoor, who had bought him at Mandavie about four years ago. Seeing the poor boy in such a state, I was moved with compassion, and gave him clothes, food, and cured him by applying ointment, &c.; at the same time I assured him that he was entirely at liberty, and in a state of freedom, and that he should consider himself emancipated since he fell under the protection of the political agent at Rajcote.

Political Agent's Office. (signed) *Lootfallee Khan, Moonshee.*

(A true translation and copy.)

(signed) *James Erskine, Political Agent.*

MINUTE by the Right honourable the Governor, dated 26 Jan. 1838.

I THINK the owner of this unfortunate youth should, as a special case, be paid by Government the price for which he was purchased.

But before sanctioning this, Mr. Erskine, without informing the owner of our intentions, should ascertain from him what was the amount of the purchase.

26 June. (signed) *R. Grant.*

MINUTE by the Honourable Mr. *Farish*; dated 27 January 1838.

IT would not, I submit, be lawful to surrender him, nor to permit him to be seized as a slave within our jurisdiction. Would it not, therefore, be sufficient for the political agent fully to explain to the owner what are our laws against slavery in this respect, and to express regret that it would be a breach of those laws to comply with his application? And this course might have some effects in preventing the ill-treatment of their slaves by Scindians, which might be aggravated by a well-known case of full price obtained for an unruly slave, by his fleeing from his master's cruelty.

27 January 1838. (signed) *J. Farish.*

MINUTE by the Right honourable the Governor, dated 2 Feb. 1838.

SLAVERY within the dominions of British India is not unlawful, though the sale of slaves is so.

Still less can we say that our laws will not allow of our recognizing the existence of slavery in Kattcewar.

We have very lately been compelled to admit the right of the Rao of Cutch to import slaves into his own dominions.

I dare say Mr. Erskine will take the opportunity to express to the Scindian slave master his opinion of the great evil of treating his slave with cruelty.

On the whole, therefore, I would submit that we should act on my former minute.

2 February 1838. (signed) *R. Grant.*

MINUTE by the Honourable Mr. *Farish*, dated 3 February 1838.

IN reporting the amount stated to be the purchase-money of this slave, perhaps the political agent should also state whether that amount seems what would be reckoned a fair price for such a slave.

No. 8.
BOMBAY.

I should be much obliged to the secretary to point out the regulation (if there be any) under which, within the jurisdiction of our courts, a magistrate may interfere to punish a runaway slave, or to compel him to return to his master; or, if there be not such regulation; and a master, in using force to compel the return of such slave, should do him a bodily injury, the regulation (if there be any such) under which such master would be relieved from the penalties of an unjustifiable assault.

I beg to apologise for giving this trouble; but I have not been able to trace any provisions on the subject.

3 February 1838.

(signed) J. Farish.

(No. 258 of 1838.)

From the Secretary to Government, *Bombay*, to the First Assistant Political Agent in Charge, *Katteewar*.

Sir,

I AM directed to acknowledge the receipt of Mr. Erskine's letter, dated the 31st December last, with enclosure, soliciting instructions in the case of an African slave who escaped from his master, a Scindian of Wagur, and sought the protection of the British Government, but now claimed by his owner.

2. In reply I am instructed to acquaint you that the Governor in Council is of opinion that the owner of this unfortunate youth should, as a special case, be paid by Government the price for which he was purchased; but, before sanctioning any sum, you will be pleased, without informing the owner of this intention, to ascertain from him what was the amount of the purchase, and to state whether that amount seems what would be reckoned a fair price for such a slave.

I have, &c.

Bombay Castle,
10 February 1838.

(signed) J. P. Willoughby,
Secretary to Government.

(No. 103, of 1838.)

From J. Erskine, Esq. Political Agent, *Katteewar*, to J. P. Willoughby, Esq. Secretary to Government, *Bombay*.

Sir,

1st. WITH reference to the 2d para. of your letter to my first assistant, No. 258, of the 10th ultimo, I have the honour herewith to transmit, for the information of the Right hon. the Governor in Council, copy of a correspondence between that officer and the Resident in Cutch, from which it appears that the Seedee slave in question was obtained by his owner in exchange for a buffalo and milch cow, valuing 250 Kutek coories, or Company's Rs. 85. 15. 5. This sum, Colonel Pottinger states, is not considered a high price for a slave, in which opinion I perfectly agree, since I find that the average price of a grown-up Seedee in this province has seldom or never fallen below 100 sicca rupees.

I have, &c.

Katteewar, Political Agent's Office,
Rajcote, 24 March 1838.

(signed) J. Erskine,
Political Agent.

(No. 84 of 1838.)

From the First Assistant Political Agent in charge, *Dhorajee*, to Colonel Pottinger, Resident in *Cutch Bhooj*.

Sir,

I HAVE the honour to annex copy of a letter from Mr. Secretary Willoughby, of the 10th instant, and as the Seedee slave therein alluded to formerly belonged to Scinde Keshur, who is said to reside in a ness near Shikarpoor, in Wagur, I shall feel obliged by your either procuring for me the information required in the second para. of the Government letter, or sending that individual to me here.

The

The Seedee slave further states, that Scindee Keshur purchased him from an old man in Mandavie of the name of Munace, to whom he was sold by the Arab dealer. He is not aware of the price paid by either of these parties, and it would therefore appear advisable to ascertain, if possible, from Scindee Munace, likewise the price for which he sold him. Moobaruck is the name of the Seedee, and he states that he was sold about five years ago at Mandavie, by Arab Dulliman, and transferred a few days afterwards to his late owner.

I have, &c.

(signed) *W. Lang,*

Dhorajee, 26 Feb. 1838.

First Assistant Political Agent in charge.

(No. 58 of 1838.)

From the Resident in *Cutch Bhooj* to Captain *Lang*, Assistant Political Agent in charge, *Rajcote*.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 26th ult., with its accompanying copy of one from Mr. Secretary Willoughby, and to acquaint you that the Scinde (Keshur) states that he gave a buffalo and a milch cow (which had been previously appraised by competent judges at 250 cories), for the Seedee boy Moobaruck, to Munace Toork, of Dribbh, near Mandavie. I also find that 250 cories, or Company's Rs. 65. 15. 5. is not considered a high price for a slave.

I have, &c.

Bhooj Residency, 19 March 1838.

(signed) *H. Pottinger.*

(No. 1081 of 1838.)

From *J. P. Willoughby*, Esq. Secretary to Government, *Bombay*, to the Political Agent, *Katteewar*.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 24th March last, with its enclosure, regarding an African slave who escaped from his master and sought the protection of the British Government, and to acquaint you that the Right honourable the Governor in Council is pleased, as a special case, to authorise your paying to the owner of the slave in question, Rs. 65. 15. 5. as compensation, and to set the slave at liberty.

I have, &c.

(signed) *J. P. Willoughby,*
Secretary to Government.

Bombay Castle, 9 June 1838.

(No. 1082 of 1838.)

From the Secretary to Government to the Accountant-general.

Sir,

I AM directed by the Right honourable the Governor in Council to transmit for your information copy of my letter of this date to the political agent at Katteewar, authorising him to disburse the sum of Rs. 65. 15. 5., on account of a slave who has been set at liberty by order of Government.

I have, &c.

(signed) *J. P. Willoughby,*
Secretary to Government.

Bombay Castle, 9 June 1838.

No. 8.
BOMBAY.

(No. 1083 of 1838.)

The Same to the Civil Auditor.

(True copies.)

(signed) *L. R. Reid*,
Acting Chief Secretary to Government. -

ORDERED, That copies of the foregoing communication from the acting chief secretary to Government of Bombay, be sent to the Judicial Department, in order that the Sudder Dewanny Adawlut of this division of the Bengal Presidency may be called upon to state what is the practice of the courts under their control, in regard to cases of a similar description.

(True extract.)

(signed) *J. W. Bayley*,
Assistant Secretary Government of India.

(No. 118.)

To *F. J. Halliday*, Esq. Secretary to the Government of Bengal.

Sir,

I AM directed by the Honourable the President in Council to forward to you the accompanying copy of an extract from the Proceedings of the Supreme Government, in the Political Department, dated the 12th instant, and to request that you will, with the permission of the Honourable the Deputy-governor of Bengal, call upon the Sudder Dewanny Adawlut at the Presidency, for a report of the nature therein alluded to.

I have, &c.

Council Chamber,
24 Sept. 1838.

(signed) *T. H. Maddock*,
Officiating Secy to the Government of India.

(No. 2240.)

To *J. P. Grant*, Esq. Officiating Secretary to the Government of India,
Judicial Department.

Sir,

cial Depart-
t.

I AM directed by the Honourable the Deputy-governor of Bengal to forward the accompanying copy of a letter from the registrar to the Court of Sudder Nizamut Adawlut (No. 3194), under date the 9th ultimo, submitting the opinion of the Court upon the subject referred to in Mr. Maddock's letter of the 24th September last, regarding the practice obtained in the courts on occasion of female slaves running away from their owners on plea of ill-treatment.

I have, &c.

Fort William,
4 Dec. 1838.

(signed) *J. H. Young*,
Officiating Depy Secy to the Government of Bengal.

(No. 3194.)

To *F. J. Halliday*, Esq. Secretary to the Government of Bengal, in the Judicial Department.

Sir,

Nizamut Adawlut:
sent, R. H. Rattray, W. Brad-
, and W. Money, esqrs.,
J. F. M. Reid, esq.,
judge.

I AM directed by the Court to acknowledge the receipt of your letter (No. 1916), dated the 2d ultimo, with enclosures, requesting that the Court will state the practice of the criminal courts under their control, in regard to cases of a similar nature to that in which his
Highness

Highness the Guicowar demanded, through the resident of Baroda, that the magistrate of Nassick should deliver up two female slaves belonging to his daughter, who had left her on her arrival at that place from Poonah.

2. In reply, I am desired to state, for the information of his Honor the Deputy-governor, that, in ordinary cases, the jurisdiction in matters regarding the property in slaves rests with the civil courts, and that a magistrate would not be justified in interfering, in order to compel their return to persons claiming them. In the case under consideration, the Court are of opinion that a magistrate should have acted precisely as the magistrate of Nassick has done, that is, refuse to deliver up the slaves, and refer the question for the decision of Government.

3. The Court direct me to observe, that on a former occasion the Government authorised the payment of the value of certain slaves claimed under somewhat similar circumstances. At the same time, however, it was remarked that, whatever reasons may exist for maintaining the existing laws respecting domestic slavery among the two great classes of the native subjects of this country, the Mahomedans and Hindoos, the Governor in Council is not aware of any principle of justice or policy, which requires us to render our courts of judicature the instruments for compelling persons who may seek an asylum in the British territories, to return in bondage to the countries from which they may have originated. The principle involved in this extract from the secretary's letter, the Court apprehend, is applicable to the case of a slave seeking the protection of the Company's Courts, though brought within their jurisdiction by the foreign proprietor himself.

4. The enclosures of your letter are herewith returned.

I am, &c.

Fort William,
9 November 1838.

(signed) *J. Hawkins*, Registrar.

See Mr. Secretary Dowdeswell's letter to the Reg. S. D. 6th June 1810.

JUDICIAL DEPARTMENT, 4 December 1838.

(A true copy.)

(signed) *J. H. Young*,

Officiating Deputy Secretary to the Government of Bengal.

(No. 518.)

From *J. P. Grant*, Esq. Officiating Secretary to the Government of India, to *J. C. C. Sutherland*, Esq. Secretary to the Indian Law Commission, dated 24 December 1838.

No. 11.

Sir,

I AM directed by the Honourable the President in Council to forward to you, for the information of the Indian Law Commission, copies of the papers noted in the margin, with reference to the General Report upon Slavery in India, which the Commission are now preparing.

Extract Political Department, dated 12th Sept. 1838.
To Secretary to the Government of Bengal, dated 24th Sept. 1838.
From Officiating Deputy Secretary to the Government of Bengal, dated 4th Dec. 1838.

Legislative Department.

I have, &c.

Council Chamber,
24 December 1838.

(signed) *J. P. Grant*,
Officiating Secretary to Government of India.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 31 May 1839.

From *P. W. Le Geyt*, Esq. Registrar, to the Secretary to Government, Political Department, Bombay, dated 4 April 1839.

No. 2703.

Sir,

I AM directed by the judges of the Sudder Adawlut to acknowledge the receipt of your letter of the 12th ultimo, and to forward, for the information of the Honourable the Governor in Council, the copy of circular instructions which
238. have

No. 8.
BOMBAY.

have been issued for the information and guidance of the magistrates on the subject.

I have, &c.
(signed) P. W. Le Geyt,
Registrar.

Bombay, Sudder Adawlut,
4 April 1839.

To the MAGISTRATES.

Sir.

UNDER instructions from the Honourable the Governor in Council, I am directed by the judges of the Sudder Foujdaree Adawlut to forward, for your information and guidance, the accompanying copy of a letter from the Sudder Adawlut at Bengal to the address of the Secretary to Government of India, of the 9th November last, regarding the practice in force under that presidency, for disposing of cases of female slaves running away from their owners under the plea of ill-treatment.

I am directed to observe, that the Bombay Code places the investigation of slave questions (*i. e.* between a legal master and slave) in the hands of the magistrate, to whom the cognizance of such has also in practice appertained, and it is not intended to disturb the present practice, where it is found agreeable to the existing law. All importation of slaves above 10 years of age into the British territories has been declared illegal, by an interpretation of 30th August 1833, on section 30 of Regulation XIV. of 1827; and the Court consider that it is competent for Government to prevent the restoration of slaves seeking refuge in the British from a foreign territory, and in all such cases you will be pleased to make a reference to the Honourable the Governor in Council.

I have, &c.
(signed) P. W. Le Geyt,
Registrar.

Bombay, Sudder Foujdaree Adawlut,
4 April 1839.

EXTRACT POLITICAL LETTER from *Bombay*, dated 20 May (No. 16) 1840.

Pol. Cons. 1838,
10th July, Nos.
3279 & 3280.
Pol. Cons. 1839,
27th March, Nos.
1443 to 1447.

Para. 2. ON the 6th November 1837, the acting magistrate of Ahmedabad solicited instructions as to whether certain slaves, who had resided for a period of three years in one of the villages under his superintendence, but who were now claimed by the thakoor of Roopal, should be compelled to return to that individual; and the thakoor was at the same time informed that the question had been referred for our decision.

3. Before, however, we had come to a decision on this point, we received a letter from the political commissioner for Guzerat, reporting that a party of sowars, headed by the son of the thakoor of Roopal, had violently seized the persons of the slaves above-mentioned, in consequence of their not having been given up to the thakoor. On this occasion Mr. Sutherland remarked, that in his opinion the British Government is bound to respect slavery in this country, and that we have no right to interfere in any way contrary to established custom in such matters.

4. In reply, we informed Mr. Sutherland, that whatever may be the system in Guzerat, in respect to enforcing the return of slaves to their owners, we could not under any circumstances tolerate the adoption of such a course as that pursued by the son of the thakoor of Roopal, which could be regarded in no other light than that of an aggression and inroad into the British territories, for the purpose of violently righting himself; that by such an act both the thakoor and his son had forfeited all claim which they might possess on the British Government for assistance in compelling the return of the slaves in question, who, we observed, if willing to return, might be permitted to do so, but that we could not in any way interfere in the case.

5. We at the same time informed Mr. Sutherland, that, as a general rule, the only method open to individuals for recovering runaway slaves is by proving their claim before the local magistrates.

(No. 96 of 1837.)

No. 8.
BOMBAY.

EXTRACT BOMBAY POLITICAL CONSULTATIONS, 11 July 1838.

From *J. H. Jackson*, Esq. Acting Magistrate, *Ahmedabad*, to *E. H. Townsend*, Esq. Acting Secretary to the Government, *Bombay*, dated 6 Nov. 1837.

No. 3279.

Sir,

I HAVE the honour to hand up correspondence, as per margin, and request you will favour me with the instructions of Government for my guidance, whether the slaves claimed by the Roopal thakoor, through the political agent, are to be forced against their will to return to the Roopal thakoor.

Mr. Jackson's letter to Sudder, dated 30th September 1837.
Reply from Sudder, dated 20th Oct.

I have, &c.

(signed) *J. H. Jackson*,
Acting Magistrate.

Ahmedabad, Magistrate's Office,
6 November 1837.

From *J. H. Jackson*, Esq. Acting Magistrate, *Ahmedabad*, to *R. T. Webb*, Esq. Acting Registrar of the Sudder Foujdaree Adawlut, *Bombay*, dated 30 Sept. 1837.

Sir,

I HAVE the honour to request that the judges will obtain, and favour me with, the instructions of Government on the following points :

2. In the event of persons (subjects of the neighbouring states) taking refuge in, and settling in any of our villages, and who have not been charged with any crime, either before or after seeking refuge, are such persons to be forced, against their own wishes, to return, on the requisition of the chief from whose territories they may have come?

3. In the case where persons seeking refuge in our districts may be slaves, are they to be given up, against their will, to persons professing to be their owners, and residing in foreign jurisdiction?

4. A case has now arisen wherein the Roopal thakoor, through the political agent of Myhee Canta, has claimed four persons, viz. the father, the mother, and two children, who have resided for three years in one of our villages in the Peraunty purgunnah, during the period he was on Barwuttia, as being his slaves, and has requested they may be given up to him. I can find nothing in the Regulation authorising my delivering up any persons contrary to their will, whether they be slaves or not, who have settled in our jurisdiction, and against whom there may be no criminal charge, and I accordingly request instructions for my guidance.

5. It appears to me it would be most in accordance with the feelings of the times with regard to slaves, that the Roopal thakoor should be directed to institute a civil suit against the persons in question for any claim he may have on them, whether on account of the loss of their services or otherwise.

I have, &c.

(signed) *J. H. Jackson*,
Acting Magistrate.

Ahmedabad, Magistrate's Office,
30 September 1837.

From *J. W. Woodcock*, Esq. Assistant Registrar, to *J. H. Jackson*, Esq. Acting Magistrate, *Ahmedabad*, dated 20 October 1837.

Sir,

IN acknowledging the receipt of your letter (No. 85), of 1837, dated the 30th ultimo, I am directed by the judges of the Sudder Foujdaree Adawlut to refer you to chapter 2, Regulation XI. of 1827, as containing the provisions under which emigrants may be restored on the requisition of their sovereign; and to inform you, that in the event of your still finding yourself unable to solve your doubts,

No. 8.
BOMBAY.

doubts, you should state the points wherein they exist, in relation to the applicability of the law.

I have, &c.

(signed) *J. W. Woodcock,*
Assistant Registrar.

Bombay, Sudder Foujdaree Adawlut,
20 October 1837.

(True copy.)

(signed) *J. H. Jackson,*
Acting Magistrate.

No. 3280.

From *L. R. Reid*, Esq. Acting Chief Secretary to Government, to the Acting Magistrate, *Ahmedabad*, dated 10 July 1838.

Sir,

WITH reference to your letter, dated 6th November last, with its enclosed correspondence with the acting registrar to the Sudder Foujdaree Adawlut, relative to certain slaves claimed by the thakoor of Roopal, I am directed by the Right honourable the Governor in Council to acquaint you that instructions will be sent to you, on receipt of an answer to a reference made to the Government of India, on the subject of surrendering slaves.

I have, &c.

(signed) *L. R. Reid,*

Bombay Castle, 10 July 1838.

Acting Chief Secretary to Government.

(True extract.)

(signed) *L. R. Reid,*
Chief Secretary.

EXTRACT BOMBAY POLITICAL CONSULTATION, 27 March 1839.

(No 179 of 1839.)

No. 1443.

From *James Sutherland*, Esq. Political Commissioner and Resident, to *J. P. Wilmoughby*, Esq. Secretary to Government, *Bombay*, dated 14 February 1839.

Sir,

I HAVE the honour to transmit, for the information and instructions of Government, the annexed copy of a letter from the acting political agent in Mahee Caunta, under date the 5th instant, regarding which, from the full statement of Captain Lang, there is no necessity for observation from me.

My opinion is generally in such cases that we are bound to respect slavery in this country; we have no right to interfere in any way contrary to established customs in such matters.

I have, &c.

(signed) *James Sutherland,*

Baroda Residency, 14 Feb. 1839.

Political Commissioner and Resident.

(No. 75 of 1839.)

From *Captain W. Lang*, Acting Political Agent, to the Honourable *James Sutherland*, Esq. Political Commissioner and Resident at *Baroda*, dated 5th Feb. 1839.

Sir,

I HAVE the honour to report the following circumstances regarding the violent seizure in the Peraunty pergunnah by a party of several sowars, headed by the

the son of thacoor Roopal, of a coolee, and his wife and three children, claimed by the thacoor as his domestic slaves, and shall feel obliged by your obtaining for me the instructions of the Honourable the Governor in Council on the subject.

2. In the month of July 1837, the thacoor petitioned the political agent that eight slaves of his, four male and three female, and one child, who had fled from his village and been discovered in the Peraunty pergunnah, might be restored to him. A communication was in consequence made to the comavishdar on the subject, which was referred by him to the assistant collector in charge of the pergunnah. The thacoor repeated his request once or twice every month, till, after some correspondence with the Peraunty authorities, a yad was received, signed by Mr. Morgan, and dated 18 November 1837, stating that he had referred the subject for the instructions of Government. The thacoor was informed accordingly on the 21st of the same month, and seems to have allowed the subject to drop in consequence.

3. I cannot ascertain that any further correspondence took place regarding these slaves till the 26th October last, when Mr. Prendergast sent copy of a yad from the Peraunty kamavishdar, complaining that Himmut Sing, the thacoor's eldest son, with a party of 15 sowars, had come to the village of Laulpoor, of that pergunnah, surrounded the house in which five of the slaves resided, and after beating and ill-treating them, carried them off. Upon this the thacoor was required to produce the whole of the persons thus seized, and to send his son to answer the complaint. A mohsul was afterwards imposed, to enforce these orders, and the thacoor then sent one of the party who had gone for the slaves to represent that Himmut Sing did not accompany them, and that a message had been conveyed to the thacoor by the father of the family, stating their willingness to return to Roopal if sent for, which was the reason of the thacoor's having taken such a step.

4. I persisted, however, in requiring the attendance of Himmut Sing, which brought the thacoor himself to Sadra with the slave above alluded to. This individual admitted that he was willing to return to Roopal, and had sent a message to that effect on behalf of himself, his wife, and three children, who were the persons carried off. The thacoor still denied the presence of his son, and resisted all my persuasion to send for him, stating that he was so much alarmed at the accusation brought against him, that nothing would induce him to attend. Finding that Himmut Sing has, ever since the recall of the family from Barwuttye, avoided appearing before the agent or his assistant, and the thacoor being the responsible person for all those residing in his talooka, I did not think it either necessary or advisable longer to insist on the attendance of his son; and on the thacoor agreeing to produce the rest of the slaves who were still in his power, and to point out the others who had again fled from Roopal to a Peraunty village, I withdrew the mohsul.

5. There was some delay in procuring the attendance of the slaves from Peraunty; and only one of those who had been seized by the Roopal sowars was forthcoming, the eldest daughter of the man above-mentioned as having made his peace with the thacoor. She declared that they had all been forcibly seized, and ill-treated; that herself and her mother had chains put on their legs, of which she showed the marks, and that the father was put in the stocks till he consented to remain; that not only Himmut Sing, but also another of the thacoor's sons were with the party who seized them, and that I might put her to death, but she would not return to Roopal. The thacoor, in reply to this, was obliged to admit that, severity had been used towards the deponent and her mother, as they threatened to run off, but said his object was merely to exact security that they would remain. He had also failed to produce the three remaining slaves, but reported that one of them had died; and to require the thacoor to abandon all claim to the whole of the slaves he had petitioned for, and grant to each a written release.

6. This has been acquiesced in with regard to the man and his daughter, both of whom were sent back to Peraunty, with a request, that if the former continued willing to return to Roopal he might be allowed to do so; none of the others, however, have yet been produced, and the thacoor tells most improbable and inconsistent stories regarding them, to endeavour to evade the responsibility he has incurred. He has now, however, asked for a sowar to accompany his people in search of them, having, he states, obtained some information regarding the

No. 8.
BOMBAY.

mother; and if she and remaining son are produced, and the other child proved to have died a natural death at Roopal (as there is reason to believe), it will perhaps be considered a sufficient punishment to the thacoor to insist on his freeing these two also, and the three others originally claimed from Peraunty, from slavery. But should he fail to do this within a reasonable period, I would suggest that a fine of 100 rupees should be imposed in addition, and the mohsul remain till all the parties are satisfactorily accounted for.

7. I have not yet been able to ascertain whether it is a feeling of alarm lest he should be called to account for his former misdeeds, or of disaffection and distrust, which prevent Himmud Sing, the thacoor's eldest son, from coming near any of the agents of Government; I shall be able to find this out, however, after the present business is settled, and shall keep it in view, as the thacoor is now rather an old man; and were Himmud Sing to succeed to the estate with his present feelings, a renewal of the misdeeds for which this family is noted would not be improbable.

8. I take this opportunity of soliciting the instructions of Government regarding complaints similar to the one in which this originated, both with reference to our own districts and the different native chieftainships; and small talookdars' claims for the restoration of fugitive slaves are by no means unfrequent; and in such a rude state of society as exists in this province, non-compliance with them will not only be regarded as great injustice, but be apt to lead to acts of violence and retaliation. It is well known that domestic slaves are an essential part of the establishment of every petty chief; and they are generally, I believe, treated with kindness. I would therefore suggest, that except when decided ill-treatment appears to have taken place, I should be authorised to interfere to cause the restoration of runaway slaves, or compensation and satisfaction to their owners from the parties obtaining them.

I have, &c.

(signed) *W. Lang,*
Acting Political Agent.

Political Agent's Office, Camp at
Maulpoor, 14 Feb. 1839.

(True copy.)

(signed) *J. R. Keily,*
Officiating Ass't Pol' Commissioner and Resident.

MINUTE by the Honourable *J. Farish*, dated 22 February 1839.

WE lately received a letter from Governor of India, as to their practice: such is against the surrender of slaves. I request Mr. Anderson's opinion on this reference.

22 February 1839.

(signed) *J. Farish.*

MINUTE by the Honourable *G. Anderson.*

WHATEVER may be the course, in respect to causing the return of slaves to their owners, there can be no question that we would never allow such a course as that adopted by the son of the thacoor of Roopal, which was in fact an aggression and inroad into our territories, for the purpose of violently righting himself; by such act, I should say, the thacoor and his son had forfeited all claims to any assistance on our part to oblige the return of the slaves. If the slaves are willing of their own accord, let it be so; but in this case, certainly, I should say that we ought not to do anything more.

For general instructions, the political commissioner should be referred to the letter addressed to him under date _____, and to letter under date _____.

(signed) *G. Anderson.*

MINUTE by the Honourable *J. A. Dunlop*.

No. 85
BOMBAY.

I QUITE agree, but the great delay in obtaining notice of his complaint should also be noticed to the authorities.

(signed) *J. A. Dunlop*.

- From *J. P. Willoughby*, Esq. Secretary to Government, of the Political Commissioner for *Guzerat*, dated 23 March 1839.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, dated the 14th ultimo, forwarding a copy of one from the political agent in the Mahce Caunta, reporting the violent seizure in the Peraunty pergunnah, by a party of sowars, headed by the son of the thacoor of Roopal, of a coolee, his wife and their children, claimed by the thacoor as his slaves.

2. In reply I am directed to observe, that whatever may be the system in respect to causing the return of slaves to their owners, there can be no question that Government can never allow the adoption of such a course as that pursued by the son of the thacoor of Roopal, which in fact was an aggression and inroad into the British territories, for the purpose of violently righting himself.

3. By the above act both the thacoor and his son have forfeited all claim to any assistance from Government to compel the return of the slaves in question.

The Governor in Council is, however, of opinion, that if the slaves are willing to return they should be allowed to do so, but that the acting political agent should not in any way further interfere in the case.

For general instructions for your guidance, I am directed to refer you to my letters, dated as per margin, on the question of giving up runaway slaves to their owners.

18th May 1838.
No. 931.
12th Feb. 1839.
No. 283.

I have, &c.

(signed) *J. P. Willoughby*,

Bombay Castle, 23 March 1839.

Secretary to Government.

(True extract.)

(signed) *L. R. Reid*, Chief Secretary.

EXTRACT POLITICAL LETTER from *Bombay*, dated 27 November (No. 43) 1839.

Para. 2. IN a letter, dated the 9th October (No. 1241), of 1838, the collector of Ahmednuggur reported that it had come to his notice that two female children, aged seven and eight years respectively, had been a short time before imported into the Ahmednuggur zillah in a state of slavery, having been purchased in the vicinity of Travancore by an individual named Soobanjee Rajeh Moonjekur.

Pol. Cons. 1830.
31st October.
Nos. 5178 & 5179.

3. As a security against these children being re-exported to their own country, where they would probably be again sold, we have, at the recommendation of the collector of Ahmednuggur, authorised their being placed under the charge of the gentlemen of the American Mission at that station.

EXTRACT POLITICAL DESPATCH to *Bombay*, dated 13 May (No. 10) 1840.

Para. 3. THE illegality of the importation of slaves into our territories should be made generally known in the native states connected with us.

Letter from, dated 27th November (No. 43) 1839.—(2, 3.) Two female children having been imported into the Ahmednuggur zillah, in a state of slavery (having been purchased near Travancore), were placed under the charge of the American Mission at Ahmednuggur, as a security against their being re-exported to their own country, where they would probably be again sold.

No. 8.
BOMBAY.

EXTRACT BOMBAY POLITICAL CONSULTATION, 13 October 1838.

(No. 1241 of 1838, Judicial Department.)

No. 5178. From *H. A. Harrison, Esq. Magistrate, Ahmednuggur*, to *J. P. Willoughby, Esq. Secretary to Government, Bombay.*

Sir,

I HAVE the honour to request you will bring to the notice of the Honourable the Governor in Council, that two female children, aged seven and eight years respectively, have lately been imported into this zillah in a state of slavery.

2. The children referred to were purchased by an individual named Soobanjee Rajah Moongeekur, it is stated, near Travancore, and at the time they were seized were on their way, under charter of a servant of the purchaser's, to the village of Moonge of the Sewgaon tallooka, where the family of Soobanjee Rajah reside.

3. The importation of the children being illegal, they become emancipated; but supposing they were to be re-exported to their own country, they would probably be again sold. I would beg leave therefore to recommend that they be placed under the charge of the gentlemen of the American Mission at this place, who would, I have no doubt, undertake the charge of them.

The person by whom the children were purchased is now, it is understood, in the service of the Rajah of Travancore, and was not probably aware that he was committing an illegal act.

I have, &c.

Ahmednuggur, Magistrate's Office,
9 October 1838.

(signed) *H. A. Harrison,*
Magistrate.

(No. 2026 of 1838.)

No. 5179. From *J. P. Willoughby, Esq. Secretary to Government*, to the Magistrate at *Ahmednuggur*, dated 25 October 1838.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 9th instant, regarding two slave children recently imported into the Ahmednuggur zillah; and in reply to inform you, that the Honourable the Governor in Council is pleased to authorise their being placed under the charge of the American missionaries at Ahmednuggur, as recommended by you.

I have, &c.

(signed) *J. P. Willoughby,*

Bombay Castle, 25 October 1838.

Secretary to Government.

(True extract.)

(signed) *J. P. Willoughby,*
Secretary to Government.

EXTRACT JUDICIAL LETTER from *Bombay*, dated 1 February (No. 1) 1841.

Judicial Cons. 5th February 1840, Nos. 357 to 359; 27th May 1840, Nos. 2531 to 2534; 1st July 1840, Nos. 3617 to 3620; 29th July 1840, Nos. 4081 and 4082; 23d September 1840, Nos. 5158 to 5161; 14th October 1840, Nos. 5434 and 5435. Judicial Cons. 31st Dec. 1839, Nos. 5202 to 5205. Judicial Cons. 26th February 1840, Nos. 626 and 629; 8th April 1840, Nos. 1450 to 1452; 17th June 1840, Nos. 3198 to 3203; 25th March 1840, Nos. 1208 to 1211; 2d April 1840, No. 1286.

48. THE proceedings referred to in the margin, relate to a defect in the existing law for the punishment of offenders charged with exporting slaves and free persons from the zillahs under this presidency, and selling them into slavery in a foreign territory.

49. Our attention was first drawn to this question by an interpretation given, on the 23d October 1839, by the judges of the Sudder Foujdaree Adawlut of section 31, Regulation XIV. of 1827, in which they have declared that the selling

selling of a slave into a foreign territory is not an offence punishable by the law.

50. Clause 2, section 30 of this Regulation, provides, that any person who shall export a slave into a foreign territory from any of the Bombay zillahs, without having first obtained a written permission from the magistrate (whose duty it is to grant the same only when satisfied that the object is not sale), shall be punishable with fine and imprisonment; and section 31 declares the sale of slaves within the Bombay zillahs to be illegal, and provides for the punishment of all persons concerned therein, either as buyers or sellers.

51. The Sudder Foujdaree Adawlut, however, are of opinion that the exportation of a slave, with permission, under clause 2, section 30 of this Regulation, and the subsequent sale, contrary to the terms of the permission obtained from the magistrate, would be punishable in the case of persons of the Hindoo and Mahomedan religions only, but not in respect to persons of other persuasions.

52. The cause of this distinction is not apparent to us, since the Regulation seems to embrace all persons by the comprehensive term, "any person." The decision of the Sudder judges, however, rests wholly on the opinions of the native law officers; according to which, it is not the sale of the slave, but the act of disobedience that is punishable,—a rule which might be applied to any other case, and could not have been intended when the law bearing on the point was framed.

53. Concurrent with the proceedings in the foregoing case, was that of the exportation of a free child from the Thannah collectorate, and its sale into slavery in the territory of the Khan of Jungeera. In this case the accused, who was a native subject of this government, was, in the first instance, brought to trial under section 4, Regulation XI. of 1827, but was acquitted by the session judge under the interpretation adverted to.

54. The child having been free, and not a slave, at the period of exportation, the Sudder judges, to whom the point was referred, were of opinion that the course followed by the session judge was in accordance with their interpretation, and that the case did not come under clause 2, section 30, Regulation XIV. of 1827, which refers to the exportation and sale of slaves with permission, and not to that of a free child. It has therefore been necessary to commit the prisoner for trial on a charge of child-stealing under clause 2, section 33, of the above Regulation.

55. As the Indian Law Commission will no doubt wish to have before them these proceedings connected with the question of slaves, which has probably already formed the subject of deliberation, we have transmitted copies of them for the consideration of the Government of India, in view to their being referred to the Law Commission, if his Lordship in Council should see fit to do so.

EXTRACT FROM THE PROCEEDINGS OF GOVERNMENT IN THE JUDICIAL DEPARTMENT.

From the Acting Registrar of the Sudder Foujdaree Adawlut,
dated 12 November 1839.

Sir,

In conformity with the instructions conveyed in the 3d paragraph of Mr. Wilmoughby's letter of the 28th August 1838 (No. 1835), I am directed by the judges of the Sudder Foujdaree Adawlut, to submit the accompanying interpretation of Regulation XIV. of 1827, declared by them under date the 23d October 1839.

I have, &c.

(signed) *G. Grant*, Acting Registrar.

Bombay, Sudder Foujdaree Adawlut,
12 November 1839.

No. 8.
BOMBAY.

1840 : Jud. Cons.
5th Feb., No. 357

No. 8.
BOMBAY.

INTERPRETATION of Regulation XIV. of 1827, Section 31.

A QUESTION having been before the court, whether the selling of a slave in a foreign territory is an offence or not, it was decided that it is not punishable by law.—(Sudder F. Adawlut *in re* Fazul Ulleeshaw.)

By order of the Sudder Foudaree Adawlut,

(signed) G. Grant, Acting Registrar.

Sudder Foudaree Adawlut,
7 October 1839.

No. 358.

MINUTE by the Honourable Mr. Farish.

Is not the exportation of a slave with permission, under section 30, clause 2, and subsequent sale, contrary to the terms of permission, punishable?

(signed) J. Farish.

(No. 222.)

No. 359.

To the Acting Registrar of the Sudder Foudaree Adawlut.

Sir,

IN acknowledging the receipt of your letter dated the 12th November last (No. 1880), I am directed by the Honourable the Governor in Council to request, with reference to the interpretation of Regulation XIV. of 1827 (section 31), therewith submitted, that the judges of the Sudder Foudaree Adawlut will favour Government with their opinion on the following point, namely, Whether the exportation of a slave with permission, under clause 2, section 30 of the above Regulation, and subsequent sale contrary to the terms of permission, is punishable by law.

I have, &c.

(signed) J. P. Willoughby,
Secretary to Government.

Bombay Castle, 30 January 1840.

From the Acting Registrar of the Sudder Foudaree Adawlut, dated 3 April 1840.

Sir,

1840: Jud. Cons.
27th May,
No. 2531; Mar-
riott, Bell, and
Giberne.

Messrs. Giberne
and Greenhill re-
cord their dissent.

IN acknowledging Mr. Secretary Willoughby's letter of the 30th January last requesting, in reference to the interpretation of Regulation XIV. of 1827, section 31, that the judges of the Sudder Foudaree Adawlut would favour Government with their opinion on the following point, viz. "Whether the exportation of a slave with permission under clause 2, section 30, of 1827, and subsequent sale, contrary to the terms of permission, is punishable by law?" I am directed to state that, in the opinion of the majority of the judges, "Messrs. Marriot and Bell," the supposed case would be punishable in regard to persons of the Hindoo and Mahomedan religion only.

2. I am therefore requested to submit, for the consideration of the Honourable the Governor in Council, if his Excellency is of opinion that the principle of the law in respect to persons of those religions on this subject is sound, whether it might not be proper by a legislative enactment to make it applicable to all classes.

I have, &c.

(signed) G. Grant, Registrar.

Bombay, Sudder Foudaree Adawlut,
3 April 1840.

MINUTE by the Honourable Mr. *Farish*.

THIS opinion seems hardly consistent with the interpretation submitted to Government on 12th November last, and it may be questioned whether the interpretation should be published; but I wait Mr. Anderson's opinion.

30 April 1840.

(signed) *J. Farish*.

No. 8.
BOMBAY.

No. 2532.

MINUTE by the Honourable Mr. *Anderson*, subscribed by the Honourable Mr. *Farish*.

No. 2533.

I do not exactly see the ground of this interpretation. The regulation (section 30, clause 2, Regulation XIV. 1827) seems to comprehend all persons by means of the comprehensive term, "any person."

I think we should call for the minutes of the judges and their proceedings, that we may learn the precise ground of the opinion of the majority of the Court.

(signed) *G. W. Anderson*.

(No. 1245.)

To the Registrar of the Sudder Foujdaree Adawlut, dated 21 May 1840.

No. 2534.

Sir,

I AM directed to acknowledge the receipt of your letter, dated the 3d ultimo, (No. 538), stating, in regard to the point referred for the opinion of the judges of the Sudder Foujdaree Adawlut, viz. whether the exportation of a slave with permission, under clause 2, section 30, Regulation XIV. of 1827, and subsequent sale, contrary to the terms of permission, is punishable by law, that the majority of the Court conceive that the supposed case would be punishable with respect to persons of the Hindoo and Mahomedan religion only.

In reply, I am instructed to request that the court will be pleased to favour Government with copies of their minutes and proceedings on the subject, in order that the Honourable the Governor in Council may be enabled to decide on the suggestion submitted in the 2d paragraph.

I have, &c.

(signed) *W. R. Morris*,
Secretary to Government.

Bombay Castle, 21 May 1840.

From the Registrar of the Sudder Foujdaree Adawlut, dated 10 June 1840.

Sir,

IN compliance with the instructions conveyed in your letter of the 21st ultimo (No. 1245), I am desired by the judges of the Sudder Foujdaree Adawlut to submit copies of the minutes recorded by the judges on the question of inflicting punishment for the exportation of a slave with permission, under clause 2, section 30, Regulation XIV. of 1827, and subsequent sale, contrary to the terms of permission.

1840: Jud. Co
1st July,
No. 3617 A.;
Mr. Marriott,
Bell, Mr. Gibb

I have, &c.

(signed) *G. Grant*, Registrar.

Bombay, Sudder Foujdaree Adawlut,
10 June 1840.

MINUTE by Mr. *Marriott*.

No. 3618.

THE responsibility of guarding against the sale of a slave, after exportation, appears to have been thrown by the Legislature on the magistrate in the mode of preventive procedure provided by Regulation XIV. 1827, and XXX. clause 2. There being no penal specific provision, it appears to me that the supposititious case referred to by Government is not punishable by law.

3/2.

(signed) *S. Marriott*.

No. 8.
BOMBAY.

MINUTE by Mr. *Bell*.

I AM inclined to think, in the case referred, that, as the obtaining the certificate or permission was under a fraudulent misrepresentation, the person so offending rendered himself liable to the punishment of fraud.

5/2.

(signed) *A. Bell*.

MINUTE by Mr. *Marriott*.

I do not see any penalty provided against such a case as is here propounded, but the Court's law officers might be requested to state whether the case would be punishable by the Hindoo or Mahomedan Code, and in what way. If it be so, it would become penal according to our code, under Regulation XIV. 1827, section 1, clause 1, article 7.

13/2.

(signed) *S. Marriott*.

MINUTE by Mr. *Bell*.

WHETHER or not the case is punishable by Mahomedan or Hindoo law, I still adhere to my former opinion.

14/2.

(signed) *A. Bell*.

MINUTE by Mr. *Greenhill*.

I AM not satisfied that it is penal in any way. The Legislature having included the question of slavery, would seem to have taken it out of the jurisdiction of the native codes; and if it has omitted a case, the proper way would appear to be to amend the law. In this case I should be disposed to inform Government that it is not distinctly provided for by the code; and under the doubt that may exist, it would seem advisable to pass an enactment, and, in the event of this course being pursued, it would be a good opportunity of explaining the meaning of the regulation XI., making penal acts from subjects in foreign jurisdictions.

I would suggest, in reference to Mr. Bell's remark, that there may have been no fraud when the permission was obtained.

15th.

(signed) *D. Greenhill*.

MINUTE by Mr. *Marriott*.

I do not concur in Mr. Greenhill's argument, that, because the case in point is not specifically included in the Penal Code, the Legislature intended to take it out of the native codes; for it seems to me that every other instance are brought within the former, must, on the same principle, be excluded the latter; whereas it is expressly stated, in the Regulation XIV., section 1, clause 1, article 7, that offences declared penal by the religious law of the person charged, provided they be not included among those for which punishment is enacted in the regulations, &c. &c. I would submit the question to the law officer in the first instance, and thereafter renew the discussion.

18/2.

(signed) *S. Marriott*.

Concurred in by Mr. *Bell*.

MINUTE by Mr. *Marriott*.

BOTH the Hindoo and Mahomedan law officers having declared the case to be punishable by their respective codes, I think Government may be informed that it is so in regard to persons of the Hindoo and Mahomedan religions; but that in respect to others it is not so. On the point of jurisdiction adverted to by Mr. Greenhill, perhaps it would be a more convenient mode if he would propose a resolution apart from the present discussion.

9/3.

(signed) *S. Marriott*.

Concurred in by Mr. *Bell*.

MINUTE by Mr. *Giberne*.

I THINK we should be very careful in giving an opinion which is opposed to a former interpretation of the law; Mr. Marriott's sentiments would do this. I cannot concur in that gentleman's view of the question. Article 7, clause 1, section 1, Regulation XIV. of 1827, regards offences declared penal by the religious law of the person charged, provided they be not included among those for which punishment is enacted in our code of regulations. Now the offence, the subject of this discussion, viz. the sale of slaves, is included and specified in our code, and certain provisions laid down; hence I should say that the article 7th above quoted, cannot be intended to apply to any portion of the offence in question, and any omissions should be supplied by the Legislature only.

The regulation has provided for the export of slaves without leave; it has given into the hands of the magistrate the power to withhold or grant a permission for such export, and the magistrate is fully at liberty to make that written permission conditional. He can say that permission is given to export such a slave, but in the event of the exporter selling, or attempting to sell such slave, the permission is cancelled, and he will be subject to the punishment provided for in the regulations. With such provisions in our own code, I cannot think that it was ever intended that article 7th, above quoted, should have any effect; and to what extent do the law officers apply their law? merely to show that persons in the case in point become guilty of having disobeyed the laws of the ruler. This is so sweeping a remark, that I should be sorry to offer it as law upon any general question. If, as before shown, the magistrate gives his permission conditionally, our own code provides punishment; if he merely gives a simple permission, without condition, and the exporter, without any intention, at the time of export, of selling his slave, eventually does so, he does not disobey the laws, and the exposition afforded by the law officers would not apply. Moreover, does the Hindoo and Mahomedan law provide for that in a point of law, regarding the difference of jurisdiction? I should say certainly not; the ruler alluded to must refer to the sovereign of the territory in which the act is committed, and by these laws the sale of slaves is not penal; the Act is not in disobedience of the laws of the foreign ruler under whom the parties may be residing. I should therefore answer the Government question to this effect, that if the magistrate grants a permission on the condition that the slave is not to be sold at any time, and further declares that, on breach of this, his permission has no effect, that the exporter would subject himself to the punishment provided in clause 2, of section 30, of Regulation XIV. of 1827.

10/3.

(signed) *G. Giberne*.MINUTE by Mr. *Greenhill*.

NEITHER do I think the answer of the law officers applicable to the facts, even if they had force, supposing them to have been applicable. I, however, have only to refer to my previously recorded opinion.

10.

(signed) *D. Greenhill*.MINUTE by Mr. *Marriott*.

FROM what is stated by my colleague, Mr. Giberne, I incline to think that some misapprehension has arisen in respect to the premises on which his main argument appears to me to be founded. I allude to that part of the minute where it is propounded "if he, the magistrate, gives a simple permission without condition." This embraces a negative form of the question, which places it in exactly an opposite position to that propounded to us by Government, and consequently changes its character altogether. The question submitted rests on the supposition that the sale takes place "contrary to the laws of permission." I beg to add that, having given every attention to the minutes of my colleagues, I do not see any ground for changing my opinion.

(signed) *S. Marriott*.

I have nothing more to say.

(signed) *G. Giberne*

Y.

MINUTE by Mr. *Greenhill*.

I do not observe whether Mr. Bell still concurs in the reply proposed. If that reply is sent, I would suggest that it should be mentioned that neither Mr. Giberne nor I concur, or two of the judges; it may be advisable to legislate so as to remove all doubt; the amount of punishment is not stated.

(signed) *D. Greenhill.*Concurred in by Mr. *Giberne*.MINUTE by Mr. *Bell*.

I most fully concur that a party so offending is punishable by law.

(signed) *A. Bell.*

MINUTE by the Honourable Mr. *Anderson*, subscribed by the Honourable Mr. *Furish*.

To complete this inquiry, I think it would be desirable to have the opinion of the law officers referred to by the Sudder Adawlut, and also the Court's opinion on the proceedings of the session judge, noted to them in the letter of the 13th instant.

(signed) *G. W. Anderson.*

(No. 1751.)

No. 3620.

To the Registrar of the Sudder Foujdarry Adawlut.

Sir,

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, dated the 10th instant (No. 1093), submitting copies of the minutes of the judges of the Sudder Foujdaree Adawlut, on the questions of inflicting punishment for the exportation of a slave, with permission, under clause 2, section 30, Regulation XIV. of 1827, and subsequent sale, contrary to the terms of permission; and, in reply, to request that the Court will be pleased to forward to Government the opinions of the Hindoo and Mahomedan law officers on the above point, referred to in the minutes of the Court.

I am further desired to request that the judges will, at the same time, favour Government with their opinion on the proceedings of the session judge of the Concan, alluded to in my letter of the 13th instant (No. 1533), in the case of Saick Dawood Wullud Saick Rahimon, on a charge of selling a child into slavery within the territory of the Khan of Junjera.

I have, &c.

Bombay Castle,
26 June 1840.

(signed) *W. R. Morris,*
Secretary to Government.

From the Registrar of the Sudder Foujdarry Adawlut, dated 8 July 1840.

No. : Jud. Cons.
10 July,
4081; Mr.
Priest, Mr. Gi-
ne, Mr. Green-

In acknowledging the receipt of your letter, dated 26th ultimo, I am directed by the judges to forward to you, to be laid before the Honourable the Governor in Council, the accompanying copies of the opinions of the Hindoo and Mahomedan law officers, on the question of the sale of an exported slave, contrary to the terms of permission.

2. In reply to the second paragraph of your letter, I am directed to state that the proceedings of the session judge of the Concan, alluded to in your letter under reply, have been called for, and, on their receipt, the opinion of the judges on the same will be communicated to Government.

I have, &c.

Bombay, Sudder Foujdaree Adawlut,
8 July 1840.

(signed) *G. Grant,*
Registrar.

(Translation.)

QUESTION to the Shastree of the Sudder Adawlut, dated 24 February 1840.

WHETHER an exportation of a slave, agreeably to the permission contained in clause 2, section 30, Regulation XIV. of 1827, and subsequent sale, contrary to the terms of the permission, is punishable according to the Hindoo law?

No. 408a.

(signed) *W. H. Harrison,*
Deputy Registrar.

ANSWER.

THERE are 15 kinds of slaves enumerated in the Shastra; of these there are five; viz. 1st, one born of a female slave; 2d, one purchased at a price; 3d, one obtained as a present; 4th, one obtained as a portion of inheritance; 5th, one who became a slave himself, on receiving a certain sum of money for his own use. Such slaves can only claim their liberation on the grounds of having rendered most meritorious service to their master, such as preserving his life, or the slave may obtain it if his master grant it of his own free will; so that there are only two ways by which a slave can obtain his liberty. This restriction, however, does not extend to the other kinds of slaves. This opinion is given on the authority from Meetakshura. It appears, therefore, that a master has a proprietary right over a slave of the above description, and therefore his sale is not forbidden by the Shastra, consequently an exportation of a slave, and his subsequent sale, is not punishable by the law.

But the question states, that "if a person exports a slave agreeably to the permission as contained in the regulation, and sells him, contrary to the terms of the permission," in such case the sale is effected by setting the laws at defiance; the person, therefore, becomes guilty of having disobeyed the laws of the ruler, and should be punished for the act of disobedience in such manner as the ruler may think proper. The Shastra states, that the order of the ruler, when it is not at variance with the principles of religion, should be obeyed; therefore, disobedience of the order could not be excused, according to the laws of Kateayen as treated of in Meetakshur and Veermetrodnya.

(signed) *Sooryaram Vullubram,* Shastree.

Dated 29 February 1840.

(Translation.)

QUESTION to the Cazee of the Sudder Adawlut, dated 24 February 1840.

WHETHER any exportation of a slave, agreeably to the permission contained in clause 2, section 30, Regulation XIV. of 1827, and subsequent sale contrary to the terms of the permission, is punishable according to the Mahomedan law?

(signed) *W. H. Harrison,* Deputy Registrar.

ANSWER.

IF a person has purchased a slave, he can sell him or her, and such act is not punishable according to the Mahomedan laws; but in a case of his having acted contrary to the terms of the permission, he becomes liable to such punishment as the ruler may award against him for disobedience; for it is proper that a subject should obey the laws of the ruler when such laws do not interfere with his religion, and obedience to them does not render him guilty of any offence according to his religion.

(signed) *Hazee Rooknoodcen,*
Cazee of the Sudder Adawlut.

Dated 27 February 1840.

. 5

No. 8.
BOMBAY.

From the Registrar of the Sudder Foujdaree Adawlut, dated 24 July 1840.

Sir,

1840: Jud. Cons.
23d September,
No. 5158;
Mr. Giberne,
Mr. Greenhill.

ADVERTING to the 2d para. of your letter of the 26th ultimo, No. 1751, requesting the judges of the Sudder Foujdaree Adawlut to favour Government with their opinion on the proceedings of the session judge of the Concan, in the case of Sheikh Davood Wullud Sheikh Rahimon, on a charge of selling a child into slavery within the territory of the Khan of Junjeera, I am directed to inform you that, in the opinion of the court, Mr. Pyne decided correctly and according to the interpretation of the law passed on the 7th, and published in the Government Gazette of the 31st October 1839, and his recommendation that the offender should be committed on a charge of child-stealing, under clause 2, section 33, of Regulation XIV. of 1827 was judicious.

2. In reference to the wish of Government to know whether Mr. Pyne's decision does not militate against the court's interpretation of Regulation XIV. of 1827, communicated to Government in my letter of the 3d April last, No. 538, I am instructed to state, that the interpretation quoted refers to the exportation and sale of slaves with permission, and not to that of a free child.

I have, &c.

Bombay, Sudder Foujdaree
Adawlut, 24 July 1840.

(signed) G. Grant, Registrar.

No. 5159.

MEMORANDUM by the Secretary.

THE commencement of the present correspondence connected with the sale of slaves was the question put by the Honourable Mr. Farish on the interpretation of section 31 of Regulation XIV. of 1827, declared by the Sudder Adawlut under date the 23d October 1839, and intimated in their acting registrar's letter of the 12th of the following month.

The interpretation was, that the selling of a slave in a foreign territory is not punishable by law, and the question on it, whether the exportation of a slave with permission, under section 30, clause 2, of the same Regulation, and subsequent sale, contrary to the terms of permission, is not punishable.

The question being put to the Sudder Adawlut, it was intimated by their register, under date the 3d April last, that, in the opinion of the majority of the judges, such an act would be punishable in regard to persons of the Mahomedan and Hindoo religions, but in regard to them only.

The cause of this distinction not being apparent, the minutes recorded by the judges on the occasion were called for by Government; and, it being ascertained from them that the decision arrived at rested wholly on the opinions given by the native law officers, the judges were requested to hand them up also, and from which the conclusion to be drawn was, that it was not the sale of the slave, but the act of disobedience which was punishable.

Concurrent with the foregoing proceeding was a case of sale into slavery in a foreign territory, that of the Khan of Junjeera, and in which, in the first instance, it was proposed to try the prisoner under section 30 of Regulation XIV. of 1827. On the interpretation of this section being pointed out to the acting magistrate, he intimated his intention of bringing the prisoner to trial under section 4 of Regulation XI. of 1827; and the prisoner being accordingly put on his trial, was acquitted by the judge under the interpretation above referred to, but with a recommendation that the prisoner should be brought to trial on a charge of child-stealing, under clause 2, section 33, of Regulation XIV. of 1827.

The child in this case being free and not a slave, permission would not appear to have been sought, so that it did not come under clause 2 of section 30 of the Regulation, and the acquittal of the prisoner would appear to have been in accordance with the interpretation, his offence being that of child-stealing, for which his trial has yet to take place.

(signed) W. R. Morris,
Secretary to Government.

29 August.

(No. 2484 of 1840.)

No. 8.
BOMBAY.

To F. J. Halliday, Esq. Secretary to Government of India in the Legislative Department.

Jud. Cons.
23d Sept. 1840,
No. 5160.

Sir,

PAR. 1. I AM directed by the Honourable the Governor in Council to transmit to you, for the purpose of being laid before the Right honourable the Governor-general of India in Council, copies of the correspondence noted in the margin having relation to the question of slaves.

From the Sudder Foujdaree Adawlut, dated 12th November 1839, No. 1880, with enclosure.
Reply, dated 30th Jan. 1840, No. 222.
Rejoinder, dated 3d April 1840, No. 538.
Replication, dated 21st May 1840, No. 1245.
From Sudder Foujdaree Adawlut, dated 10th June 1840, No. 1693, with enclosure.
Reply, dated 26th June 1840, No. 1751.
Rejoinder, dated 8th July 1840, No. 1280, with enclosures.

2. In transmitting these proceedings, I am desired to inform you that the judges of the Sudder Foujdaree Adawlut, having submitted the interpretation of section 31 of Regulation XIV. of 1827 of the Bombay code, deciding that the selling of a slave in a foreign territory is not punishable by law, they were requested to report whether, with reference to the interpretation declared by them, they conceived that the exportation of a slave, with permission, under clause 2, section 30, of the above recited Regulation, and subsequent sale contrary to the terms of permission, was not an offence punishable by law.

3. It may be necessary here to observe, that clause 2, section 30, of Regulation XIV. of 1827, lays down that any person who shall export a slave from a zillah subordinate to Bombay into foreign territory, without first obtaining a written permission from the magistrate, whose duty it shall be to grant the same (only when satisfied that the object is not sale), will be punishable with fine, &c. ; and section 31 of the same Regulation declares that, in addition to the preceding rules (specified in clauses 1 & 2 of section 30), the sale of slaves within the zillahs subordinate to this presidency is illegal, and all persons concerned therein, either as buyers or sellers, will be punishable with fine, &c.

4. In replying, therefore, to this reference, the judges stated that the court were of opinion that such an act would be punishable in regard to persons of the Mahomedan and Hindoo religion, but in regard to them only.

5. The cause of this distinction, however, not being apparent, more especially as the regulation seems to comprehend all persons by the comprehensive term "any person," it was deemed advisable to have the minutes recorded by the court on the occasion, which the judges were accordingly requested to furnish, in order that the government might be made acquainted with the precise grounds on which the opinion of the majority of the court, in respect to the question adverted to, was founded.

6. It appearing, on the receipt of the minutes in question, that the decision arrived at on the above point rested principally, or in fact wholly, on the opinion of the native law officers, the Sudder Court were further requested to hand up these opinions also, and from which the conclusion to be drawn is, as his Lordship in Council will perceive, that it was not the sale of the slave, but the act of disobedience that was punishable.

7. As connected with the foregoing proceedings, I am also on this occasion instructed to transmit copies of the papers noted in the margin, relative to a case of sale into slavery in a foreign territory, that of the Khan of Junjehra, in which the magistrate of Tannah, in reporting the circumstance (in the first instance), applied for authority to place the prisoner on his trial, under the provisions of section 31, Regulation XIV. of 1827.

Letter from the Magistrate of Tannah, dated 28th November, with enclosure.
Reply, dated 19th December 1839, No. 3232.
Rejoinder, dated 6th January 1840, No. 2.
Government letter to Sudder Foujdaree Adawlut, dated 21st February 1840, No. 354.
Reply, dated 7th March 1840, No. 375.
Government letter to Magistrate of Tannah, dated 3d April 1840, No. 754.
Reply, dated 29th May 1840, No. 13, with enclosures.
Rejoinder, dated 13th June 1840, No. 1533.
Government letter, of same date, to the Sudder Foujdaree Adawlut.
Letter from the Sudder Foujdaree Adawlut, dated 24th July 1840, No. 1370.

8. On the court's interpretation thereof having, however, been pointed out to the magistrate, he intimated his intention of bringing the prisoner, being a

No. 8.
BOMBAY.

British subject, to trial under section 4, Regulation XI. of 1827, which mode of procedure the Sudder judges, to whom the question had been intermediately referred, were of opinion was the proper course to be adopted in this case.

9. The prisoner was therefore placed on his trial and acquitted by the session judge under the interpretation referred to, but with a recommendation that he should be tried on a charge of child-stealing under clause 2, section 33, Regulation XIV. of 1827.

10. The Court of Sudder Foujdaree Adawlut having, on a further reference made to them on the subject, decided, that as the child in question is free and not a slave, the case does not come under clause 2, section 30 of the above regulation, which refers to the exportation and sale of slaves with permission, and not to that of a free child, and that the acquittal of the prisoner was in accordance with the interpretation given by them, the magistrate has therefore been directed, agreeably to the session judge's suggestion, in which the court concur, to commit the offender on a charge of child-stealing, under the provision of clause 2, section 33, Regulation XIV. of 1827, provided there is sufficient evidence of his having committed the offence with which he stands charged, the result of which the magistrate has been called on to report.

11. As the Governor in Council is induced to believe that the Indian Law Commission would wish to have the proceedings connected with the above subject before them as connected with the question of slaves, which it is presumed has already formed a subject of deliberation, I have been instructed to forward these papers, together with a printed copy of Regulation XIV. of 1827, in order that they may, if his Lordship in Council shall see fit, be handed up to the Law Commission.

I have, &c.

Bombay Castle,
22 September 1840.

(signed) W. R. Morris,
Secretary to Government.

No. 5161.

(No. 2485 of 1840.)

To the Magistrate of *Tannah*.

Sir,

With reference to my letter, dated the 13th June last, No. 1533, directing you to proceed against the prisoner therein mentioned on a charge of child-stealing, under the provisions of clause 2, section 33, Regulation XIV. of 1827, I am directed by the Honourable the Governor in Council to request that you will be pleased to report the result of the trial for the information of Government.

I have, &c.

Bombay Castle,
22 September 1840.

(signed) W. R. Morris,
Secretary to Government.

From the Acting Magistrate of *Tannah*, dated 24 September 1840.

Sir,

In reply to your letter of 22d instant, calling on me to report for the information of the Honourable the Governor in Council, the result of the trial of Sheikh Dawood Wa Sheikh Rahimon, charged with stealing a child in the Ryghur Talooka, I have respectfully the honour to state, that the above prisoner was committed by me on the 21st instant to take his trial before the session judge of *Tannah*.

2. I have the honour to annex extract of my proceedings in the above case, explanatory of the delay that has taken place in its disposal.

I have, &c.

Tannah, Magistrates' Office,
24 September 1840.

(signed) J. M. Langford,
Acting Magistrate.

Jud. Cons., dated
14th Oct. 1840,
No. 5434.

Reg. XIV. 1827,
sec. 33, cl

EXTRACT from PROCEEDINGS of the Acting Magistrate of *Tannah*, dated
21 September 1840.

No. 8.
BOMBAY.

No. 5435.

THE cause of this case having been delayed to the present time has been explained in the acting magistrates' letter to the Sudder Foujdaree Adawlut of the 31st ultimo. The prisoner was, on the 30th April 1840, forwarded by the assistant magistrate, Mr. Davies, to the sessions, charged with selling the child at Junjeera. It was ruled by the court that Junjeera being a foreign state, the selling a slave there was an offence not punishable by our regulations. The case was then returned to the assistant magistrate for a new charge to be made out against the prisoner for stealing the child, which, and the child's being unable to attend from illness, has been the cause of the delay in disposal of the case that has taken place.

(signed) *J. W. Langford*,
Acting Magistrate.

MINUTE by the Honourable Mr. *Farish*, subscribed by the Honourable
Mr. *Anderson*.

No. 5436.

THE report of the magistrate as to the result of the trial before the session judge of the Concan may be awaited.

3 October.

(signed) *J. Farish*.

From the Assistant Magistrate of *Tannah*, dated 25 November 1839.

Sir,

AGREEABLY to section 4, Regulation XI, of 1827, I have the honour to request the favour of your obtaining the orders of Government with respect to a prisoner, Sheikh Dawood Wullud Sheikh Rahimon, an inhabitant of Goregaum, in the Ryghur Talook, convicted of selling a child into slavery, within the territories of the Khan of Junjeera, on the 16th May last, the offence being punishable by section 31 of Regulation XIV. of 1827.

1839: Jud. Cons.
31st Dec. No. 5203

I have, &c.

25 November 1839.

(signed) *J. M. Davies*,
Acting Magistrate.

MINUTE by the Honourable Mr. *Farish*.

No. 5203.

THIS seems to be one of the cases in which the late interpretation of the Sudder Adawlut would be against the conviction under section 31, which relates to sales within the zillahs; but Mr. Anderson's opinion will be desirable; it is to be hoped the offence is not without the law.

5 December.

(signed) *J. Farish*.

MINUTE by the Honourable Mr. *Anderson*.

No. 5204.

I THINK we should inquire from the magistrate, if, notwithstanding the interpretation referred to by Mr. Farish, he proposes that the individual should be committed for trial, and under what Regulation?

(signed) *G. W. Anderson*.

No. 8.
BOMBAY.

(No. 3232 of 1840.)

To the Magistrate of *Tannah*.

No. 5205.

Sir,

*Vide Government
Gazette of 1839,
p. 731.*

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of Mr. Davies' letter, dated the 25th ultimo, and to request that you will report whether, notwithstanding the interpretation of the judges of the Sudder Foujdaree Adawlut of section 31, Regulation XIV. of 1827, you propose that the prisoner apprehended on a charge of selling a child into slavery within the territory of the Khan of Junjeera, shall be committed for trial; and if so, under what Regulation?

I have, &c.

Bombay Castle,
19 December 1839.

(signed) *J. P. Willoughby,*
Secretary to Government.

1840: Jud. Cons.
6th Feb. No. 626.

From the Acting Magistrate of *Tannah*, dated 6 January 1840.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 19th ultimo, calling upon me to report whether, notwithstanding the interpretation of the judges of the Sudder Foujdaree Adawlut of section 31, Regulation XIV. of 1827, I propose that the prisoner apprehended on a charge of selling a child into slavery within the territory of the Khan of Junjeera, shall be committed for trial; and if so, under what Regulation?

2. In reply, I beg to state, as my opinion, that the prisoner being a subject of the Bombay government, he should be tried for the offence charged against him under section 4, Regulation XI. of 1827.

I have, &c.

Tannah, Magistrate's Office,
6 January 1840.

(signed) *E. Montgomerie,*
Acting Magistrate.

No. 627.

MINUTE by the Honourable the Governor, subscribed by the Hon. Mr. *Farish*.

THE question here is, whether selling a child in a foreign territory is an offence punishable by our Regulations; if it is not, it ought, in my opinion, immediately to be made so.

The judges of the Sudder Adawlut have recently ruled, in their interpretation of section 31, Regulation XIV. that it is an offence not punishable by law.

In the present case, however, could not the prisoner be tried for kidnapping the child sold in the Junjeera territory?

On this point I should wish Mr. Anderson's opinion; but perhaps our best plan will be to refer the case to the judges of the Sudder Adawlut, and request their opinion as to how it can be disposed of under existing Regulations.

(signed) *J. R. Carnac.*

No. 628.

MINUTE by the Honourable Mr. *Anderson*, subscribed by the Board.

MR. MONTGOMERIES view is erroneous; the offence should be an offence in the foreign territory as well as ours, to make a person amenable, if the act has been done in a foreign territory. But it will be well in the first instance to put the proposed question to the Sudder Adawlut.

I may remark, however, that the export of a slave without permission of the magistrate, is punishable by clause 2, section 30, Regulation XIV. of 1827; and stealing a child is also punishable by clause 2, section 33 of the same Regulation.

If the prisoner has committed either of these offences, he can be tried and punished, independent of any act in the foreign territory.

(signed) *G. W. Anderson.*

To the Registrar of the Sudder Foujdaree Adawlut.

Sir,

With reference to my letter, dated 30th ultimo, No. 222, I am directed by the Honourable the Governor in Council to transmit to you, for submission to the judges of the Sudder Foujdaree Adawlut, copies of the correspondence noted in the margin, originating in an application from the magistrate of Tannah, for permission to bring a British subject to trial for selling a child into slavery, in the territory of the Khan of Junjeera, and to request that the court will favour Government with their opinion as to how this case can be disposed of under existing regulations.

No. 689.

Letters from Magistrate of Tannah dated 25th Nov. 1839.
Ditto, 6th Jan. 1840, No. 2.

I have, &c.

Bombay Castle,
21 February 1840.

(signed) *J. P. Willoughby,*
Secretary to Government.

From the Registrar of the Sudder Foujdaree Adawlut, dated 7 March 1840.

Sir,

I AM directed to acknowledge the receipt of your letter (No. 354) dated 21st ultimo, and its accompaniments, and to state that the reference contained in your letter, dated 30th January (No. 222), to which allusion is made in that now under reply, is at present under the consideration of the judges, and that a question thereon is pending before the law officers.

1840: Jud. Cons.
8th April, No. 1450.

2. IN reply to the present reference, I am directed to observe, for the information of the Honourable the Governor in Council, that the course of procedure in bringing the accused to trial is that pointed out in the second paragraph of the acting magistrate's letter of the 6th January, which appears merely to require the authority of Government.

I have, &c.

Bombay, Sudder Foujdaree Adawlut,
7 March 1840.

(signed) *J. Grant,*
Registrar.

MINUTE by the Honourable Mr. *Anderson*, subscribed by the Honourable Mr. *Farish*.

No. 1451.

UNDER this opinion of the Sudder Foujdaree Adawlut, the authority of Government should be given for putting the prisoner alluded to in the acting magistrate's letters of the 25th November 1839 and 6th January 1840, on his trial; the result of the trial to be reported to Government.

(signed) *G. W. Anderson.*

(No. 754 of 1840.)

To the Magistrate of Tannah.

Sir,

No. 1452.

With reference to your letters to Government, dated 25th November and 6th January last, I am directed to inform you that the Honourable the Governor in Council is pleased, in conformity with section 4, Regulation XI. of 1827, to authorise you to bring to trial the prisoner named in the margin, being a British subject, on a charge of having sold a child into slavery within the territory of the Khan of Junjeera, and to request that you will be pleased to report the result of the trial for the information of Government.

Sheikh Dawood
Wullud Sheikh
Rahimon.

I have, &c.

Bombay Castle,
3 April 1840.

(signed) *W. R. Morris,*
Secretary to Government.

BOMBAY.

From the First Assistant Magistrate in Charge at *Tannah*, dated 29 May 1840.

Sir,

840 : Jud. Cons.
7th June,
No. 3198.

With reference to your letter (No. 754), dated 3d ultimo, I have the honour to hand up, for the information of Government, the accompanying letter from the sessions judge of the Concan, dated the 27th instant, forwarding an extract from his proceedings in the case of Sheikh Dawood Wullud Sheikh Rahimon.

I have, &c.

Tannah, Magistrate's Office,
29 May 1840.

(signed) *G. H. Pitt*,
First Assistant Magistrate in Charge.

(No. 674 of 1840.)

Case No. 38 of the General Calendar of 1840.

No. 3199.

To the First Assistant Magistrate in charge at *Tannah*.

Sir,

I HAVE the honour to forward a person named Sheikh Dawood Wullud Sheikh Rahimon, with an extract of the court's proceedings of this day's date, for your information and guidance.

I have, &c.

Concan, Court of Adawlut,
27 May 1840.

(signed) *John Pyne*,
Sessions Judge.

No. 3200.

EXTRACT from the PROCEEDINGS held before *John Pyne*, Esq. Session Judge of the Concan.

Wednesday, 27 May 1840.

Case No. 38 of
General Calendar
of 1840.

THE court having recorded the charge on which the prisoner, Sheikh Dawood Wullud Sheikh Rahimon, is committed, refrains from asking the prisoner to plead to it, as, under the interpretation of the Sudder Foujdaree Adawlut, dated 7th Oct. 1839, with reference to clause 1st, section 30, Regulation XIV. of 1827, it was "ruled that selling of a slave in a foreign territory is not punishable by law."

The prisoner is consequently discharged from the bar.

It appearing to the court that a charge might be sustained against Sheikh Dawood Wullud Sheikh Rahimon of child-stealing, under provisions of clause 2, section 33, Regulation XIV. 1827, it resolves to forward the said person to the assistant magistrate in charge, to be dealt with as he deems proper.

(True extract.)

(signed) *J. Pyne*, Sessions Judge.

No. 3201.

MINUTE by the Honourable Mr. *Anderson*, subscribed by the Honourable Mr. *Farish*.

THE assistant magistrate should proceed against Sheikh Dawood for child-stealing, under clause 2, section 33, Regulation XIV. of 1827, if the assistant magistrate is of opinion that there is evidence against the said Sheikh Dawood of his having committed that offence.

The letter of the assistant magistrate, with its accompaniments, might be sent to the Sudder Foujdaree Adawlut, to request that they would call for the proceedings of the sessions judge, if they thought it necessary, to see if the sessions judge's present decision does not militate against the interpretation reported in their letter to Government of the 3d April last.

(signed) *G. W. Anderson*.

(No. 1533 of 1840.)

O. S. 11
MBAY.To the Magistrate of *Tannah*.

Sir,

No. 3202.

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of Mr. Pitt's letter, dated the 29th ultimo (No. 13), with its enclosures, reporting that Sheikh Dawood Wullud Sheikh Rahimon has been arraigned before the session judge of the Conkan on a charge of selling a child into slavery within the territory of Junjeera, and acquitted of that offence, and to request that you will proceed against this prisoner for child-stealing, under the provisions of clause 2, section 33, Regulation XIV. of 1827, if you are of opinion that there is evidence of his having committed that crime.

Bombay Castle,
13 June 1840.

I have, &c.
(signed) *W. R. Morris*,
Secretary to Government.

(No. 1534 of 1840.)

To the Registrar of the Sudder Foudaree Adawlut.

No. 3203.

Sir,

WITH reference to the second paragraph of your letter, dated the 7th of March last (No. 375), I am directed by the Honourable the Governor in Council, in transmitting to you the accompanying copy of a letter from the first assistant magistrate at Tannah, of the 29th ultimo (No. 13), with its enclosures, and my reply of this date, to request that the judges of the Sudder Foudaree Adawlut will be pleased to call for the proceedings held before the sessions judge of the Conkan, in the case of Sheikh Dawood Wullud Sheikh Rahimon, on a charge of selling a child into slavery within the territory of the Khan of Junjeera, if they should think it necessary to do so, in order to ascertain whether the decision of Mr. Pine does not militate against the court's interpretation of Regulation XIV. of 1827, communicated to Government in your letter of the 3d April last (No. 538).

Bombay Castle,
13 June 1840.

I have, &c.
(signed) *W. R. Morris*,
Secretary to Government.

From the Acting Magistrate of *Tannah*, dated 10 February 1840.

Sir,

I HAVE the honour to request you will obtain the instructions of Government in regard to the subject of my letter of the 6th ultimo, No. 2, as the accused party has been in confinement since the 12th September last.

1840: Jud. Cons.
25th March,
No. 1208.

Tannah, Circuit Cutcherry,
10 February 1840.

I have, &c.
(signed) *E. Montgomerie*,
Acting Magistrate.

MINUTE by the Honourable the Governor, subscribed by the Honourable Mr. Farish.

No. 1209.

A REFERENCE was made to the Sudder Foudaree Adawlut on the 21st instant, to ascertain the court's opinion as to how this case can be disposed of. Their answer must be awaited.

(signed) *J. R. Carnac*.

No. 8.
BOMBAY

MINUTE by the Honourable Mr. *Anderson*, subscribed by the Honourable Board.

No. 1210.

The Sudder Adawlut should be informed that the Government await its reply.
(signed) *G. W. Anderson*.

(No. 631 of 1840.)

No. 1211.

To the Registrar of the Sudder Foujdaree Adawlut.

Sir,

I AM directed by the Honourable the Governor in Council to request that the Judges of the Sudder Foujdaree Adawlut will be pleased, with all practicable dispatch, to furnish the information called for in Mr. Secretary Willoughby's letter of the 21st ultimo, No. 354.

I have, &c.
(signed) *W. R. Morris*,
Secretary to Government

Bombay Castle, 24 March 1840.

(No. 664 of 1840.)

To the Registrar of the Sudder Foujdaree Adawlut.

Sir,

10: Jud. Cons.
April, No. 1286

ADVERTING to my letter dated the 24th instant, No. 631, I am directed by the Honourable the Governor in Council to acquaint you, for the Information of the Judges of the Sudder Foujdaree Adawlut, that the answer therein called for appears to have been furnished, being contained in your communication of the 7th instant, No. 375, a circumstance which escaped attention until after the reference had been despatched.

I have, &c.
(signed) *W. R. Morris*,
Secretary to Government.

Bombay Castle, 27 March 1840.

(True extract.)

(signed) *J. P. Willoughby*,
Secretary to Government.

INDIA.

LEGISLATIVE LETTER from the GOVERNOR GENERAL of INDIA, dated the 8th Day of February 1841, with the REPORT from the INDIAN LAW COMMISSIONERS, and its APPENDIX, on the Subject of SLAVERY IN THE EAST INDIES.

Legislative Department.

(No. 3 of 1841.)

To the Honourable the Court of Directors of the *East India* Company.

Honourable Sirs,

WE have the Honour to transmit by the present Mail Two printed Copies of the Report and Appendix furnished by the Indian Law Commissioners, on the important Subject of Slavery in India. Other Copies shall be sent by the ordinary Route as soon as practicable.

2. We have not yet been able to take into consideration the several Recommendations submitted by the Commissioners, but they will occupy our immediate Attention, and we shall lose no Time in communicating to your Honourable Court the Result of our Deliberations.

We have the Honour to be, &c.

(signed)

Auckland.

J. Nicols.

W. W. Bird.

Wm. Casement.

H. T. Prinsep.

A. Amos.

Fort William, 8th February 1841.

[The Report and Appendix will be found printed in the Paper No. 189., p. 4 et seq.]

*
LEGISLATIVE LETTER from the GOVERNOR GENERAL of INDIA, dated the 10th of May 1841, and MINUTE of the GOVERNOR GENERAL.

Legislative Department.

(No. 8 of 1841.)

To the Honourable the Court of Directors of the *East India* Company.

Honourable Sirs,

WITH our Letter in this Department, dated the 8th of February, No. 3. of 1841, we transmitted Two printed Copies of the Reports and Appendix furnished by the Indian Law Commissioners on the Question of Slavery in India.

2. As your Honourable Court will naturally be anxious to obtain early Information of the Opinions entertained by the Members of your Government on the actual State of the Law, and on the Recommendation of the Law Commissioners regarding this important Subject, we have the Honour to forward herewith the Copy of a Minute recorded by the Right Honourable the Governor General, dated the 6th instant. Your Honourable Court will,

(218.)

P P

however,

however, be pleased to consider the Subject as still under Discussion by the Government, and the Sentiments of the remaining Members of the Council will be communicated with the least possible Delay.

We have the Honour to be,

Honourable Sirs,
Your most faithful humble Servants,
(Signed)

Auckland.
T. Nicolls.
W. H. Bird.
W. Casement.
T. H. Prinsep.
A. Amos.

Fort William, 10th May 1841.

MINUTE by the Right Honourable the GOVERNOR GENERAL, dated
6th May 1841.

Slavery in India. *THIS Subject; so fully treated in the present Report of the Law Commissioners, is undoubtedly a most difficult and extensive one; but the Evidence and Information which they have collected may, I trust, enable us to form some clear Conclusions, such as shall suffice to determine the immediate practical Course of the Government.

I will not enter into much Detail in pointing out the generally mild Character of what is termed Slavery in this Country, or in marking how the agrestic Malabar. * Servitude which exists in several of its Districts is connected
Tamil Districts chiefly with Distinctions of Caste, and will be upheld, notwith-
of Madras. standing any Measures of the public Authorities, by the Force
Behar Province. which national Habit and Opinion have imparted to those
Distinctions. The Facts relating to the various Descriptions and Modifications of Bondage as prevailing in different Provinces are set forth by the Commissioners with Distinctness and Precision. On the Effect of Caste in maintaining agricultural Servitude even under Circumstances in many respects favourable to Freedom, instructive Particulars will be found in the Evidence respecting the Districts of Coorg and Malabar. In Coorg many of the Slaves emancipated by Government on its own Estates have, from various Causes, been led to destroy their Certificates of Freedom, and to place themselves again in Servitude under their former Masters; in Malabar all the Influence of the English Proprietor of an Estate cannot obtain for any of his Labourers a greater Degree of Respect or Privilege than the strict local Usages of Caste allow to them; they remain, whatever the Liberty of Action which he accords to them, as degraded as before, for they cannot raise themselves above the low Class to which they belong; and must mix only, on the Terms to which they have been accustomed, with their Caste Brethren, the Churmur Slaves of the Province. It is enough to say that there is obviously little in common between the voluntary Subservience to their Employers of particular Individuals or Races in India, and the former oppressive and compulsory Slavery of our West Indian Settlements.

We must deeply pity and lament whatever there may be of Degradation, Poverty, and Helplessness amongst the lower Classes of our Indian Subjects, and their undue Subjection, under any Form or Designation, to those of better Birth, to the powerful and the wealthy. It behoves us to watch their Condition with a vigilant Eye, and to do what may be in the Power of the Government for its Amelioration; but we ought not, through a Misuse of Names, to form an erroneous Idea of Things, or seek violently to disturb Relations to which, in many Cases, all who share in them are attached, regarding them, as may so often be observed in respect both to those who render and to those who receive Service, as a Source of mutual Advantage, or even of Honour and Distinction.

In effect, that which constitutes the Essence of Slavery may be said to have been already abolished nearly every where throughout India: I mean by that Essence, an entire Subjection, sanctioned and upheld by the Law, of an Individual and his Family to the Will of a Master, and the absolute Claim of Property, with the Right also and the Means of enforcing that Claim, of one Man over another. It will be found, however, that almost, if not at this Time

quite universally, no Compulsion by a Master over his Dependant is admitted by our Criminal Courts; that *any* Force used by him towards his so-called Slave is punished just as it would be if used towards a free Man, and that nearly as generally the Magistrates do not interfere for the Restoration of a runaway Slave to his Employer.

Under such an Administration of the Law, what but the Tie of general good Treatment and a supposed Self-interest will prevent a Slave from leaving his Master, and living in Freedom? I may cite a few Statements, some from Districts in which the Name of Slavery is yet most prevalent, as showing how important is this Practice of the Magistrates.

Captain Jenkins says of Assam, "I consider that the Government, by withholding a Regulation making it legal to have recourse to the Criminal Courts for the Apprehension and Restitution of Slaves, have virtually abolished Slavery, the Means of Escape from their Owners being so easy, and the Difficulty and Expense of Recovery through the Civil Court being so great, that no Slaves, above the Age of Childhood, need be detained in Bondage, except with their own free Will."*

The principal Collector and Magistrate of Tanjore to the like Effect:—"So long as a Slave chooses to remain with his Master he does so, and leaves him for a better at pleasure. Nothing but a Civil Suit, which would cost more than Ten Years of his Labour, can recover him; and being recovered, there is nothing to prevent his walking about his own Business as soon as he has left the Court which has pronounced him to be the Property of another. The Magistrates, it seems, decline to assist the Master to recover a runaway Slave, and leave him to his own Resources, which the Slave defies. Under these Circumstances mutual Interest appears to be really the Bond between them."†

The Magistrate of Malabar, of the Practice of his Court in 1836, says, that the Relation of Master and Slave has never been recognized as justifying Acts which would otherwise be punishable, or as constituting a Ground for Mitigation of the Punishment; and the Criminal Judge adds, that no Distinction is recognized in the Criminal Courts between a free Man and Slave, which Statement is repeated by the Court of Circuit."‡

And of the Usage in the Bombay Presidency it is observed in the Report: "An Examination of the Returns in the Appendix will show how rare, indeed almost unheard of, is a Suit in the Civil Courts against a Slave or a Third Party for Recovery of Services, Property, or Damage by Abduction or Desertion; yet almost all the reporting Functionaries agree that a Slave Owner has a good Cause of Action in the Cases supposed, and possesses Rights which cannot be questioned in the Abstract, *though so difficult of Enforcement as not to be worth the Attempt in these Times.*"§

The Criminal Law on the Subject is, I apprehend, correctly stated in a *Futwa*, given February 10th, 1841, by the Mahomedan Law Officer of the Madras Foujdaree Adawlut, in the Case of a Female Dher Slave, charged with having eloped from the Prosecutor, her Master, and not coming again to work at his House. It is to the Effect that "the Prisoner above referred to is not punishable under the Mahomedan Law for her Elopement, because the Legislator has not propounded any Punishment to the Slaves of the Country in the same Manner as he denounced Tazeer and Tadeeb to a true Slave. She who may have been acquired by way of Booty in a Mussulman War is called a true Slave, who can be sold and purchased; if such Slave shall go away from the House of her Master without his Permission, she is liable to Punishment in proportion to her Guilt.

"As regards the Slaves of this Country (whether they are of Dher or Paria Caste, or of any other Caste,) the People receive them from their Parents either during Famine or at other Times. Such Slaves are not, under the Mahomedan Law, fit to be sold and purchased. If they go away from the Houses of their Masters without their Permission they are at liberty to live wherever they please, and they are not liable to any Trial under the Law in question." Upon this *Futwa* it is declared by the Judges of the Foujdary Adawlut, in a Letter addressed by them to the Government,

* Page 335 of Appendix.
† Page 223 of Report.

‡ Page 199 and 200 of Report.
§ Page 259.

INDIA.

March 22d, 1841, that this Opinion of the Mahomedan Law Officers "applies " to Males as well as Females, and to the prædial Slaves in Malabar, Tanjore, " and elsewhere." It is pointed out in a separate Minute by Mr. Campbell, one of the Judges, that the Hindoo Civil Law is, in respect to Slavery, remarkably contrasted to the Mahomedan or Criminal Law, and can derive no Support from it.

The Mahomedan Criminal Law being that which, with specified Limitations and Exceptions, is administered by our Courts, there is no Reason why any Benefit which it gives to Persons in a Condition of Servitude, not of the strict Kind that alone it recognizes and sanctions, should be in any Degree denied or abridged. This Exemption from criminal or magisterial Process, which alone is summary and effective, leads directly and certainly, as it appears to me, to the Destruction of all that is legally coercive in the Maintenance of the Status of Slavery, and we need therefore the less dwell on what might be the Decrees of our Civil Courts on Questions concerning that Status being brought before them.

I believe, however, that, for the Reasons stated in the Futwa above cited, no Mahomedan Master could prove a legal Title to the Possession of a Slave at this Day, the only legal Slaves under the Mahomedan Law being Captives taken in Battle, or their Heirs. This Doctrine has been long ago asserted by the highest Authority, and seems to have been affirmed by the Calcutta Sudder Court, in the Case reported in Pages 249 to 251 of the Appendix to the Report before us; and as respects the Hindoo Law, which admits of the Acquisition of Slaves in a Number of Ways, the Cases reported in the following Pages of the Appendix will show that, whenever as yet Cases have been litigated before the Sudder Court, Grounds have existed for rejecting the Claim of Servitude against the Parties sued as Slaves.

I would only at present observe, on the Point of Civil Jurisdiction, that my Attention has been drawn to the Statement of the Judge of Sylhet, that should a Person decreed by the Civil Court of that District to be a Slave "refuse to " serve or to comply with the Award, he is imprisoned so long as the Master " desires to pay the Subsistence Money, in the same Manner as other Prisoners " are confined in the civil Gaol under a Decree in a regular Suit.* And I have caused a Reference to be made from the Government of Bengal to the Sudder Court, in order that it may be ascertained whether such is a proper and justifiable Manner of executing a Decree, of which the Purport is only to declare that an Individual belongs to the servile Condition.

It is true that the Question of Civil Law is not to be regarded as a mere Question of Curiosity and legal Nicety, and as of no serious practical Importance. It is no Doubt easy to escape out of the Reach of a Civil Process, yet the Possibility that such a Process may issue is not without Objection, and might occasionally lead to considerable Vexation and Inconvenience; but I cannot view this Condition of the Civil Law as a pressing and general Evil, and I apprehend that it certainly does not admit of any easy and immediate Remedy. Such a Remedy may form Part of a more general Measure of Jurisprudence. Its Principle is, I am informed, involved in intricate Questions of Law, and Time and Caution seem to me obviously required for its due Investigation and Discussion.

I would ask too for more Time for Legislation upon the Manner in which the State of Bondsmen or articted Labourers is to be regulated. It unhappily borders nearly upon Slavery in some Parts of the Country, and yet the Mode in which its Evils are to be limited and corrected would open to us a wide Field of Controversy. We may, perhaps, be satisfied for the present if these Men, though subject to the pecuniary Penalties of their Bonds, are protected, as far as the Law can protect them, from all personal Infliction or violent Coercion on the Part of their Masters.

Even on the graver Branch of this great Subject, namely, the Operation of our Criminal and Police Laws, I have been greatly inclined to the Opinion that Legislation for the more clear Announcement of the protective Character of those Laws is not necessary, and that the mere Lapse of Time is in the best possible Manner, because surely and quietly, working the complete practical

Abolition of Slavery. But many are not of this Opinion, and it may, in Truth, not be otherwise than just and useful that the Principles in this respect of the English Magistrate and of the Mahomedan Futwa should have Strength and Publicity given to them by an express Enactment of the British Indian Legislation.

I am prepared, upon these Grounds, and on the Evidence and Opinions we have now before us, to pass a Law, declaring that any Act, which would be an Offence if done to a free Man, shall be equally an Offence if done to a Slave, or, as I would rather say, to any one in any Condition of Dependence on a Master; and I would add to such an Act that (to the Effect of the Proposal of Two of the Law Commissioners) "no Rights claimed as arising out of an alleged State of Slavery shall be enforced by a Magistrate." Such an Enactment would be entirely in consonance with the Dictum of the Mahomedan Lawyers which I have above quoted, as applied to the actual State of those classed as Slaves in India.

I may briefly say, on the contrary Opinion of others of the Commissioners as respects the Concession of an Authority of moderate Correction, that I am satisfied that, with our very imperfect Police and remotely scattered Magistrates, it would not be safe to commit any Power of Punishment to Masters, and that, in fact, we can have no Security against their occasional bad Character or excited Passions, other than that of withholding from them all Power of personal Coercion whatever. Compensation for such a formal Withdrawal of Authority seems to me out of the Question, both because Compensation could not be given on a Ground so little capable of exact Estimation, and because the Authority, wherever it is exercised, rests upon no valid Ground, and has actually ceased to exist in by far the greater Number of our Districts. I would not (independently of any Reference to the Mahomedan Law) allow our Magistrates to enforce any Rights arising out of Slavery, because the State of Slavery is one not to be presumed against any Person summarily, and would require, were it to be brought for Inquiry before a Court, the most grave and discriminating Consideration.

To the Extent here proposed, we might, I think, at once pass a Law without reference to England, for the Honourable Court have, more than Two Years ago, urged it on us to take that Step. But so much more Legislation has been proposed in the Reports of the Commissioners, that it may be best to refer all the Papers for further Directions from the Home Authorities.

I confess that it is my decided Impression, that the Adoption of all the minute and detailed Provisions recommended by the Law Commissioners would much rather impede than advance the Object we all have in view. That Object is the earliest possible Extinction, first practically, and in the End even avowedly, of Slavery, in so far as such Results can be attained by Acts of the Government. But if, as is the Intention of one of the Recommendations, we connect the public Officers with the Registry of the Sales of Persons as Slaves, how shall we be able at any future Time to treat those Transactions as otherwise than perfectly valid, or to deal with Claims of Consideration and Compensation which may be preferred by Purchasers? It is undoubtedly most desirable to put an immediate and entire Stop to such Practices, wherever they may yet partially prevail, as those of the Sale of Slaves without their own Consent, of their Sale, under any Circumstances, separately from their Families, or of the Sale of agrestic Slaves separately from the Land to which they are attached.

But in prohibiting every Kind of Coercion by the Master over the Person, and all summary Interference of Authority for the Return of a Person claimed as a Slave to his assuming Owner, we shall in Truth do away with all such Practices, for no one will be found to purchase that of the continued Possession of which he can have no Assurance.

I would for the present be content with Legislation to the Effect which I have above stated. Compulsory Contracts or Transfers with a view to Prostitution would, I apprehend, be void, and punishable under the existing Law. We shall have a better Guarantee for good Treatment, and easy Emancipation at the Wish of the Slave, in the Protection from any personal Restraint which the Law to which I have assented will confer upon him, than in express Rules of the Kind proposed by the Commissioners. In a Word, I would legislate as little as possible now, and that only so as directly to advance the great End of

practical Freedom, while I would look forward with Anxiety to a Period when the Government may be enabled to fulfil the Design of the British Legislature, by a Declaration of the entire Extinction of Slavery as a State in any Manner recognized by our Laws.

I would, however, be disposed by a separate Law (guarding the national Custom of Adoption) wholly to prohibit the Sales of Children, excepting, possibly, (after the Example of the Bombay Regulation of 1827,) in Seasons of Distress, such as follow upon Inundation or Famine, and under Checks which might be then imposed by the Executive Government. Frightful Abuses grow out of such Sales; and if a stern Necessity should seem for any Time to require their Sufferance, it would, I think, be very necessary to place them under the Supervision of the public Authorities.

I consider the Recommendations of the Commissioners for the better Enforcement of the Objects of the Statute 5 Geo. IV. Cap. 113. as very proper and necessary.

It might perhaps be well, as a Part of our Measures for the Amelioration of the Condition of Servitude in India, to obtain periodical Reports of the State of Slaves or Bondsmen, and of legal Transactions affecting them, in the Districts in which such Classes are most numerous; and I would particularly ask the Government of Madras to consider whether, by any Addition to the magisterial Force or to the general Strength of the Police in Malabar, a proper Degree of Protection, which may now possibly be in some Quarters wanting, would be given to the servile Labourers and the scattered agricultural Bondsmen of that Province.

(signed) *Auckland.*

6th May 1841.

LEGISLATIVE DESPATCH to *India*; dated 25th August (No. 16) 1841.

Legislative Department.

Our Governor General of India in Council.

Slavery in the
Eastern Settle-
ments.

WE transmit for your Consideration a Copy of a Memorial addressed to the President of the Board of Commissioners for the Affairs of India, on the part of the British and Foreign Anti-Slavery Society, relative to the Prevalence of Slavery in the Settlements of Penang, Wellesley, Malacca, and Singapore. You will furnish us with whatever Information you may obtain, and will report the Measures which you may see fit to adopt on the Subject.

We are, &c.

(signed) *G. Lyall.*
J. L. Lushington.
&c. &c.

London, 25th August 1841.

MEMORIAL.

To the Right Honourable Sir John Cam Hobhouse, Bart., President of the Board of Control, &c. &c.

Sir,

THE Existence of Slavery and the Slave Trade in the British Settlements of Malacca, Penang, Singapore, and Wellesley having come under the Consideration of the Committee of the British and Foreign Anti-Slavery Society, they feel it to be their Duty to call the immediate Attention of the Government thereto, that effectual Measures may be devised for the immediate and complete Extinction of both.

That Slavery in these Settlements is not authorized by Law, but is the Creature of vicious and odious Custom, appears clear from the Documents which have been from Time to Time laid before Parliament.

That it should have been allowed to reach its present Extent, and to assume the Form it does, under the Administration of British Laws, by British Functionaries, is Matter for deep Regret, if not for strong Censure; but the Committee would fain hope that, the Facts of the Case being now apparent,

its Days are numbered, and that you, Sir, will urge on those Measures which are necessary for its Overthrow.

From the recorded Opinion of Mr. Garling, the Resident Councillor at Malacca in 1829, the Committee learn it was his "firm Belief that local Slavery had no legal Existence;" and in this Opinion he was fully borne out by the Government, to whom he had made an Appeal in 1828; viz. "The Government is decidedly of opinion that Slavery has not, in any Shape, a legal Existence in Malacca;" yet, notwithstanding these recorded Opinions, it was still permitted to continue, and finally the Question was referred home for the Decision of the Law Officers of the Crown. Nothing, however, was done, and the System was allowed to continue, notwithstanding there had grown up with it a Slave Trade, by which it would appear the Slave Population in One Year, viz. from 1826 to 1827, was increased from 1,097 to 1,519.

In 1829 the Holders of Slaves, feeling the uncertain Tenure by which they held them in Bondage, and anxious to secure their Services to as late a Period as possible, passed certain Resolutions to the Effect "that Slavery shall not be recognized in the Town and Territory of Malacca after the 1st December 1841," but no legal Measures seem to have been passed by the Government to give Effect to this Determination.

The late President of Penang, in a Minute written in 1830, freely admits the Evils which exist in connexion with Slavery in that Island, which he justifies only on the Ground of "the long established Custom and Usage of these Countries," although it is highly probable that Slavery in Penang was introduced only when the English took possession of it, by virtue of its Treaty with the Sovereign of Quedah. Alluding to the Practice of introducing Slaves from Bale, Pulo Nias, &c., which had grown up with it, he considers that "we are bound by every Obligation, legal as well as moral, to put down a Practice, which, however conducted in Form, is in reality Slave Dealing, forbidden by Law, and the Continuance of which must carry with it a Continuation of all the Horrors induced by it in other Places, as exemplified in the Case of the African Slave Dealing, the Encouragement to Wars for the Purpose of making Captives for Sale, and in these Seas even Piracies, which it encourages, Slaves being often the principal Objects in view." In reference to the wretched Beings who had been illicitly introduced into Penang, he observes "there can be no Doubt that all so situated are *ipso facto* free."

The Committee deeply regret to observe that Singapore affords, according to the same Authority, "the best Market for Slaves," and that the Suppression of the Traffic will be no easy Matter; indeed that it is hopeless to expect it.

In Province Wellesley, Slavery exists, and from its Contiguity to the Siamese Territories there can be little Doubt it will greatly increase, unless its Extinction speedily take place.

The Committee, in submitting these Facts to your serious Consideration, beg, Sir, respectfully, yet earnestly, to suggest the Necessity of Steps being immediately taken to relieve the Slave Population of these Settlements from every Species of Bondage, by whatever Name it may be known, that the national Character may be vindicated, the atrocious Traffic in Human Beings suppressed, and an Example worthy of Imitation be set to the Nations and People by whom these Settlements are surrounded.

Signed on behalf of the Committee,

John Scoble.

EXTRACT POLITICAL LETTER from India, dated 9th June (No. 34.) 1841.

Para. 2. The Sultaun of Johanna subsequently availed himself of the Circumstance of the H. C. Steamer "Phlegethon" having touched at Mozambique to take his Passage in that Vessel to Calcutta, where, on his Arrival, he represented to this Government the Hardships of his present Situation, in being driven from his own Territories by a Party which was opposed to him, as he declared, in consequence of his Determination to suppress the Trade in Slaves in the Islands lately subject to his Authority, applied for the Aid and Protection of England, and offered to cede his Possessions to Her Majesty's Government. But as the Islands of Johanna are not within the Sphere of

INDIA.

Control of this Government, we have been unable to do more in favour of this unfortunate Chief than to submit his Representations to your Honourable Court, with a view to the Matter being brought to the Notice of Her Majesty's Ministers.

Para. 3. The Sultaun and his Followers were received and entertained with due Consideration by the Governor General, and Measures were taken for sending them to the Mauritius, at which Place we conceived that the real Position of the Sultaun would be better understood than it is here, and any Orders which might be issued in regard to him by Her Majesty's Government might be more easily conveyed. The necessary Communication on this Subject was made to the Governor of the Mauritius.

(No. 1,397.)

LETTER from *T. H. Maddock* Esq., Secretary to the Government of *India*, to the Secretary to Government, *Isle of France*; dated 31st May 1841.

Sir,

THE Sultaun of Johanna, having availed himself of the Honourable Company's Steamer "Phlegethon" touching at Mosambique to take his Passage in that Vessel to Calcutta, has submitted to the Governor General of India the Hardships of his present Situation, in being driven from his own Territories by a Party which is opposed to him, as he declares, in consequence of his Determination to suppress the Trade in Slaves in the Islands lately subject to his Authority, and he applies for the Aid and Protection of England, and offers to cede his Possessions to Her Majesty's Government. But as the Islands of Johanna are not within the Sphere of Control of this Government, his Lordship in Council has been unable to do more in favour of this unfortunate Prince than to submit his Representations to England, for the Orders of Her Majesty's Ministers; and the Sultaun and his Followers having been received and entertained with due Consideration by the Governor General, are now about to embark on board the "Salsette," a Vessel bound for Mauritius, from whence the Sultaun may have better Opportunities than would be presented here of prosecuting such Measures as may be practicable for the Recovery of his Possessions.

Para. 2. His Case is one which the Governor General in Council has more than once judged it right to bring to the Notice of Her Majesty's Government; and Captain Grey, of the *Endymion* Frigate, now on his Voyage to the Indian Seas, was directed in consequence to call at Johanna for the Purpose of enquiring into the Position of Affairs there, and to exert his Influence for their Adjustment. The Sultaun's Absence from Johanna will most likely prevent this Visit having any useful Result, but the Naval Commander in Chief at the Cape Station may have Opportunities of carrying into effect the Views of Her Majesty's Ministers; and to enable him the better to do so, his Excellency will be furnished with a Copy of this Letter.

I have, &c.

Fort William, 31st May 1841.

(signed) *T. H. Maddock*,
Sec. to Gov. of India.

(No. 1,398.)

LETTER from *T. H. Maddock* Esq., Secretary to the Government of *India*, to his Excellency the Naval Commander in Chief at the *Cape* Station; dated 31st May 1841.

Sir,

IN forwarding for your Excellency's Information Copy of a Letter this Day addressed to the Colonial Secretary at Mauritius, I am instructed by the Right Honourable the Governor General of India in Council to suggest that on the first favourable Opportunity such Measures may be adopted as your Excellency deems expedient for the Purpose of ascertaining the real State of Affairs at Johanna, for the Information of Her Majesty's Government.

I have, &c.

Fort William, 31st May 1841.

(signed) *T. H. Maddock*,
Sec. to Gov. of India.

POLITICAL DESPATCH to *India*; dated 19th July (No. 21.) 1841.

Our Governor General of India in Council.

Slave Trade. We transmit to you a Copy of a Letter, dated the 9th June 1841, addressed to our Secretary by Mr. Stark, Assistant Secretary to the Commissioners for the Affairs of India, with an Enclosure from Lord Leveson, One of Her Majesty's Under Secretaries of State for the Foreign Department, expressing the Desire of Her Majesty's Government that certain Measures should be adopted for effecting the Suppression of the Slave Trade in the Arabian Seas; and we desire that you will take into your immediate Consideration how far it may be practicable to give Effect to the Suggestions contained in Lord Leveson's Communication.

We are, &c.
(signed) *G. Lyall.*
J. L. Lushington.
&c. &c.

London, 19th July 1841.

LETTER from *Hugh Stark Esq.* to *J. C. Melvill Esq.*

Sir,

India Board, 9th June 1841.

THE Commissioners for the Affairs of India having communicated to Viscount Palmerston a Copy of the Despatches from the Bombay Government, after 23d of May 1840, and an Extract from the Despatches of the same Government, of the 15th of August 1840, and (Secret) 28th February 1841, respecting the Slave Trade in the Persian Gulf, have received from his Lordship the enclosed Letter, dated the 8th instant, to which they request the early Attention of the Court of Directors of the East India Company.

J. C. Melvill, Esq.
&c. &c. &c.

I am, &c.
(signed) *Hugh Stark.*

LETTER from Lord *Leveson* to *W. Cabell Esq.*

Sir,

Foreign Office, 8th June 1841.

I HAVE laid before Viscount Palmerston your Letters of the 20th and 23d April 1841, together with their several Enclosures, respecting the Proceedings of the Bombay Government for suppressing the Slave Trade in the Persian Gulf; and Lord Palmerston directs me, in reply, to request that you will state to the Commissioners for the Affairs of India, that his Lordship would suggest that a Communication should be made to the Imaum of Muscat and to the Arabian Chiefs, to the following Effect; namely, that so strong a Feeling against the Slave Trade, and so deep a Sense of its Criminality, have grown up in the Minds of the English Nation, that the British Government cannot avoid using its utmost Means to prevent the Continuance of such Proceedings, whenever it may be able to do so: That many Circumstances have combined to place in the Hands of the British Nation great Naval Power and Authority in the Indian Seas, in the Persian Gulf, and in the Red Sea; and that the British Government would be unable to justify itself towards the British Nation if it did not employ that Naval Ascendancy for the Purpose of preventing the Slave Trade from being any longer carried on upon these Seas: That the British Government hopes, that in the Accomplishment of this humane Purpose it will have the Assistance of the Imaum and of the Arabian Chiefs; and that the British Government is the more encouraged to entertain this Hope, because the Imaum and those Chiefs have hitherto, and upon several Occasions by Treaties concluded with British Authorities, declared themselves against the Slave Trade, and have made Engagements calculated to prevent it from being carried on, except within certain Limits: That consequently the British Government of India invites the Imaum and the Arab Chiefs to sign an additional Treaty on this Subject; and proposes that such Treaty should consist of an Engagement to forbid all Slave

Trade by Sea, and to permit British Ships of War to search, seize, and destroy all Native Vessels found with Slaves on board, wherever navigating.

To the Imaum a Promise might be made, that he should receive an annual Payment of 2,000^l. Sterling for Three Years, as a Compensation for the Loss of Duty he would sustain by the Abolition of the Trade, until his Subjects should turn themselves to other Kinds of more legitimate Commerce, the Custom Duties on which would far more than compensate to him for the Loss of the Duty on Slaves.

To the Arabian Chiefs it might be said, that the fair Construction of the Treaties already subsisting with them tends to the entire Abolition of the Slave Trade in their Ships and by their Subjects, and that consequently the new Treaty would only place in clearer Language what has already been agreed to; but that, if they prefer it, the British Authorities could act upon the existing Treaties, without requiring the Signature of any new ones. But it would be desirable that the Imaum and the Arabian Chiefs should be made to understand that the British Government is determined at all events to put this Slave Trade down, and is conscious that it has the Means of doing so.

Wm. Cabell, Esq.
&c. &c. &c.

I am, &c.
(signed) Leveson.

LETTER from Sir John Hobhouse to the Chairman and Deputy Chairman of the
East India Company.

Gentlemen,

India Board, 17th September 1838.

Leg., 29th Aug.
838.

IN reference to a Despatch lately sent by the Court of Directors* to the Governor General of India in Council, relative to the Abolition of Slavery in the East Indies, I have now the Honour to direct your Attention to some Remarks made on that Subject in the "Copy of a Penal Code prepared by the Indian Law Commissioners."

In Pages 83, 84, and 85 of the Notes appended to that Copy, as printed by Order of the House of Commons, you will find certain Suggestions leading to the Conclusion that it would be expedient, as a Preliminary to any Measure for the Abolition of Slavery, to enact, at once, that "no Act falling under the Definition of an Offence should be exempted from Punishment because it is committed by a Master against a Slave."

It appears that a Difference, not only of Opinion, but of Practice, prevails in India with respect to this Matter; and I entirely concur with the Law Commissioners in thinking that it is the Duty of the Government to remove all Doubt on the Subject by a Law to the Effect before mentioned.

If the Court of Directors should agree with me in this Opinion, I should propose to instruct the Government of India to lose no Time in passing an Enactment accordingly.

The Chairman and Deputy
Chairman, &c. &c.

I have, &c.
(signed) John Hobhouse.

LETTER from Sir John Hobhouse to the Chairman and Deputy Chairman of the
East India Company.

Gentlemen,

India Board, 23d February 1841.

You are doubtless aware of the extreme Anxiety and Impatience which is felt in Parliament for the promised Report from India on the Subject of Slavery; and it must be admitted that it is with great Reason that Complaints are made of the Delay which has taken place with regard to an important Question, to which the Attention of the Government of India was emphatically called so long ago as December 1834.

It is understood that a considerable Portion of the Report from the Law Commissioners had passed through the Press early in October; but as the Mails despatched from India at the End of November and December have arrived, without bringing the Report itself, or any official Intelligence of it, I think

think that we should be guilty of neglecting our Duty if we were to allow another Mail to leave England without repeating the earnest Desire of the Authorities in this Country to be furnished with the required Information without further Delay.

I therefore request that you will move the Court of Directors to submit to the Board a Draft of Paragraphs to the Government of India on the Subject which I have indicated.

The Chairman and Deputy
Chairman, &c. &c.

LETTER from *C. Buller Esq.* to *J. C. Melvill Esq.*

Sir,

India Board, 31st July 1

I AM directed by the Commissioners for the Affairs of India to transmit you a Copy of a Memorial from the British and Foreign Anti-Slavery Society in the British Settlements of Penang, Malacca, Singapore, and Wellesley to suggest that the Court of Directors of the East India Company should forward a Transcript of the same to India for the Consideration of the Government in Council.

J. C. Melvill, Esq.

I am, &c.
(signed) *C. Buller*

[*The Memorial is already printed at Pages 284, 285, ante.*]

LETTER from *Hugh Stark Esq.* to *J. C. Melvill, Esq.*

Sir,

India Board, 18th August

THE President of this Board having recently drawn the Attention of Majesty's Secretary of State for Foreign Affairs to the Correspondence contained in Paragraphs 10. and 11. of the Political Letter from Bombay, 12th May last, respecting the Importation of Slaves into the Portuguese Settlements of Goa, Dumaun, and Diu, I am directed by the Commissioners for the Affairs of India to state, that they would be glad to know, for the Information of Viscount Palmerston, from what Part of the World it is supposed that Slaves are brought to the Portuguese Settlements in India, and under what Flag?

J. C. Melvill, Esq.
&c. &c. &c.

I am, &c.
(signed) *Hugh Stark*,
Acting Assistant Secretary

LETTER from *J. C. Melvill Esq.* to *Hugh Stark Esq.*

Sir,

East India House, 6th September 1

I AM commanded by the Court of Directors of the East India Company to acknowledge the Receipt of your Letter of the 18th ultimo, stating that the Commissioners for the Affairs of India would be glad to know, for the Information of Viscount Palmerston, from what Part of the World the Slaves are brought to in Paragraphs 10. and 11. of the Political Letter from Bombay, 12th May last, are brought to the Portuguese Settlements in India, and under what Flag; and to inform you in reply, that the Slaves are imported under the Flags of the Arab Tribes, and from the East Coast of Africa.

Hugh Stark, Esq.,
India Board.

I am, &c.
(signed) *J. C. Melvill*

ON THE SLAVE TRADE.

Field Esq. to T. L. Peacock Esq. With Enclosure.

India Board, 16th August 1841.

for the Affairs of India request that the Secret Committee of the Court of Directors of the East India Company the Letter of the Political Agent at Aden to the Government of Bombay, dated the 6th ult., together with the Note to Viscount Palmerston of the 5th ult., and his Lordship's Reply of the 7th, of which a Copy is enclosed, on the subject of the Slave Trade of Abyssinia.

I am, &c.

T. L. Peacock, Esq.

(signed) Thos. N. Waterfield.

NOTE from Sir John Hobhouse to Viscount Palmerston.

India Board, 3d August 1841.

SIR John Hobhouse presents his Compliments to Viscount Palmerston, and transmits for his Information a Copy of a Letter addressed by the East India Company's Political Agent at Aden, on the 3d ultimo, No. 54., to the Government of Bombay, respecting the Slave Trade.

LETTER from Lord Leveson to the Secretary to the India Board.

Sir,

Foreign Office, 7th August 1841.

I AM directed by Viscount Palmerston to acknowledge the Note addressed to his Lordship by Sir John Hobhouse on the 3d instant, enclosing Information received from the East India Company's Political Agent at Aden, relative to the Slave Trade carried on at the South Shore of Arabia, and on the Coast of Abyssinia.

I am to request that you will state to Sir John Hobhouse, that Lord Palmerston thinks that a Ship of War should be stationed at Burburra, during the Fair at that Place from October to April, in order to prevent the Exportation of Slaves; and that his Lordship is further of opinion that any Slaves found on board an Arab Ship, at or off Burburra, should be seized, and carried to some British Settlement to be made free.

Lord Palmerston would beg to suggest to Sir J. Hobhouse, that it might probably be more easy for the Indian Government than for the Admiralty to make the necessary Arrangements for the periodical Presence of a small Ship of War at Burburra.

I am, &c.

The Secretary to the India Board.

(signed) Leveson.

No. 54. of 1841.

Secret Department.

LETTER from S. B. Haines Esq., Political Agent at Aden, to H. Willoughby Esq., Secretary to Government.

Sir,

Aden, 3d July 1841.

By the Command of Government conveyed in Secretary Willoughby's Letter, No. 525., Secret Department.

1. WITH reference to the Command contained in the 6th Para. of your Letter, No. 525., Secret Department, dated 31st March 1841, accompanied by an Extract, Para. 7. and 11., of a Letter from the Secretary to the Government of India, dated 22d February 1841, I have the Honour to offer a few Observations on the Subject of the Suppression or Mitigation of the Trade in Slaves, as carried on in the Southern Shores of Arabia, Red Sea, and Abyssinian Coast.

2. The principal Marts for the Purchase and Export of Slaves in the Red Sea are held at Massowa and Suaken, and Tedjoura, Zeyla, and Burburra, on the Abyssinian Coast. I think

